

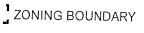


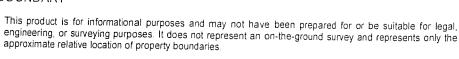
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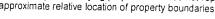


PENDING CASE

CASE#: C15-2015-0116 Address: 2005 Tower Drive









City of Austin Board of adjustment Leane Heldenfels 505 Barton Springs Rd., 5th Floor Austin, TX. 78704

REF: Reconsideration of Case C15-2015-0116

Dear Board Members;

Pursuant to the Boards rules, I am hereby requesting the Board reconsider its decision to deny part C of the request which was related to the increase of the F.A.R. on the whole site of lot 53 and ½ of 54. I believe that the Board erred, or at least it is unclear in its decision not to consider the whole tract for F.A.R. purposes, in making its decision to grant portions A.B and D of the request the Board considered the whole site.

It appears that perhaps the Board's decision should have been to recognize the whole site (lot 53 and ½ of 54) and then to deny any increase of F.A.R. beyond the allowable 0.4:1 F.A.R. on the whole site. Lot 54 currently has a F.A.R of 0.635:1, if the whole site is considered, the F.A.R. could be reduced to a permitted **0.4:1..** 

If the board doesn't consider this an error, or unclear decision, then I submit this as a revision to our original application to allow for a 0.4:1 F.A.R. on the whole site.

Thank you for your consideration of this matter.

Sincerely,

Jim Bennett

C15-2015 -0116

#### Heldenfels, Leane

From:

Ron Thrower

Sent:

Friday, November 20, 2015 12:36 PM

To:

Heldenfels, Leane

Cc:

Gavin Clarkson

jb.rbconsulting@yahoo.com

Subject:

2005 Tower Drive

Leane,

Our request is for 0.4099:1 FAR across the combined property which is 112 s.f. over the 0.40:1 allowed using the combined property. In context to just Lot 53, if the Board chooses to motion just based on the Lot 53 boundary only, the request is then 0.5976:1, which again is representative of just the same 112 s.f. but using just Lot 53 as the denominator.

The request is to fill in the voids of the residential structure that was built at a time when there was no limit on FAR for residential structures. Further, the FAR request is solely needed because the screened in porch will include windows for an all-weather use and because of the windows that area is included in the FAR. Absent the windows, the screened in porch would not count as FAR.

Please let me know if you have any questions. I know our consulting team has made this confusing enough for all of us, but this is the last change to this request. Thanks for your patience and understanding.

#### Ron Thrower

### Thrower Design

510 South Congress Avenue, Suite 207

Mail: P.O. Box 41957 Austin, Texas 78704 512-476-4456 office

CONFIDENTIALITY NOTICE: This communication is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are notified that any use, dissemination, distribution, or copying of this communication or any attachment is strictly prohibited. In such an event, please contact the sender immediately and delete all copies of this communication and any attachment.

#### Heldenfels, Leane

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From:

Blake < State to retree earth make the

Sent:

Tuesday, November 03, 2015 5:34 PM

To: Cc: Heldenfels, Leane WANG ExCom

Subject:

C15-2015-0116; 2005 Towers Drive

3 November 2015

Leane Heldenfels, Liaison Board of Adjustment City of Austin

RE: C15-2015-0116; 2005 Towers Drive

Members of the Board of Adjustment:

The Board of Directors (BoD) of West Austin Neighborhood Group (WANG) has voted electronically to not oppose three of the variances being requested in this matter, specifically the variances dealing with the side setback requirement, the maximum impervious coverage requirement, and the penetration of the side setback plane/building tent. As presented to us by the applicant over the last several months, these requests seem reasonable, show the requisite hardship, and to us are examples of why the variance process is in place.

We do have concerns about and are opposed to the fourth requested variance seeking to increase the maximum FAR requirement. It is our understanding that using the combined lots' square footage (11,289) the FAR of the existing duplex is .358 to 1. To reach the LDC defined FAR maximum would allow an approximately 470 square foot addition to the structure.

As always, thank you for your service to the City. A representative of the neighborhood association will be in attendance at the hearing.

Blake Tollett-WANG

### CITY OF AUSTIN Board of Adjustment Decision Sheet

75

CASE NUMBER: C15-2015-0116

Y	_ Brooke Bailey	
-	Michael Benaglio (o	out)
Y	_ William Burkhardt	•
Y	_Eric Goff	
Y	_ Kelly Blume	
Y	_ Melissa Hawthorne	2 <sup>nd</sup> the Motion
Y	Don Leighton-Burwe	ell
Y	Melissa Neslund	
Y	James Valadez	
Y	_Michael Von Ohlen	<b>Motion to Grant</b>

DATE: Monday, November 9, 2015

**APPLICANT: Jim Bennett** 

**OWNER: Marth Atelia Clarkson** 

**ADDRESS: 2005 TOWER DR** 

VARIANCE REQUESTED: The applicant has requested variance(s) from:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side setback from 5 feet (required) to 0 feet (requested/existing); and to
- B. Increase the maximum impervious cover from 45% (required/permitted) to 56.51% (requested, existing); and to
- C. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 Maximum Development Permitted to increase the floor-to-area ratio from .4 to 1 (required, permitted) to .634 to 1 (requested, .494 to 1 existing); and to
- D. Section 2.6. A. (Side Setback Plane) to allow for a penetration of the side setback plane/building tent of 4 feet 6 inches vertically and 5 feet 6 inches horizontally in order to construct an addition to an existing single family home in an "SF-3-NP", Family Residence Neighborhood Plan zoning district. (West Austin Neighborhood Group)
  Other

**BOARD'S DECISION:** POSTPONED TO SEPTEMBER 14, 2015 AT THE APPLICANT'S REQUEST

RENOTIFICATION REQUEST: The applicant has requested variance(s) from:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side setback from 5 feet (required) to 0 feet (requested/existing); and to
- B. Increase the maximum impervious cover from 45% (required/permitted) to 56.51% (requested, existing); and to

- C. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 Maximum Development Permitted to increase the floor-to-area ratio from .4 to 1 (required, permitted) to .634 to 1 (requested, .494 to 1 existing); and to
- D. Section 2.6. A. (Side Setback Plane) to allow for a penetration of the side setback plane/building tent of 4 feet 6 inches vertically and 5 feet 6 inches horizontally in order to construct an addition to an existing duplex in an "SF-3-NP", Family Residence Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**BOARD'S DECISION:** POSTPONED TO October 12, 2015 AT THE APPLICANT'S REQUEST; OCT 12, 2015 POSTPONED TO NOVEMBER 9, 2015 BY APPLICANT (RENOTIFICATION NEEDED)

RENOTIFICATION REQUEST: The applicant has requested variance(s) from:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side setback from 5 feet (required) to 0 feet (requested/existing); and to
- B. Increase the maximum impervious cover from 45% (required/permitted) to 62.40% (requested, 56.95 existing); and to
- C. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 Maximum Development Permitted to increase the floor-to-area ratio from 0.4 to 1 (required, permitted) to 0.635 to 1 (requested, 0.527 to 1 existing); and to
- D. Section 2.6. A. (Side Setback Plane) to allow for a penetration of the side setback plane/building tent of 11 feet vertically and horizontally in order to construct an addition to an existing duplex in an "SF-3-NP", Family Residence Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**Board's Decision:** Nov 9, 2015 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant Items A, B, D and Denied Item C, Board Member Melissa Hawthorne second on a 9-0 vote; GRANTED ITEMS A, B, D AND DENIED ITEM C.

#### FINDING:

- 1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the duplex is existing from a previous building permit and certificate of occupancy issued in 1993, prior to the McMansion requirements
- 2. (a) The hardship for which the variance is requested is unique to the property in that: the size and shape of the remaining portion of the lot 54 cannot be developed and for all practical purposes should be consider as part of the site
  - (b) The hardship is not general to the area in which the property is located because: in 1993 the adjacent portion was obtained from the City of Austin and it appears to have been considered as part of lot 53 due to setbacks and other requirements of the time
- 3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of

the regulations of the zoning district in which the property is located because: the area of character will not change in as much as the use of the structure will remain the same and the vacant adjoining portion of lot 54 from appearances will look the same

Leane Heldenfels Executive Liaison William Burkhardt

Chairman

## CITY OF AUSTIN Board of Adjustment Decision Sheet

11/8

DATE: Monday, October 12, 2015	CASE NUM	BER: C15-2	015-0116
Y Brooke Bailey Y Michael Benaglio Y William Burkhardt -2 <sup>nd</sup> the Motion N/A Eric Goff		. 5	
Y Vincent HardingY Melissa Hawthorne - Motion to PP to 1Y Don Leighton-BurwellY Melissa Nesland	1/9/15		

**APPLICANT: Jim Bennett** 

**OWNER: Marth Atelia Clarkson** 

Y\_\_\_\_ James Valadez
OUT Michael Von Ohlen

**ADDRESS: 2005 TOWER DR** 

VARIANCE REQUESTED: The applicant has requested variance(s) from:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side setback from 5 feet (required) to 0 feet (requested/existing); and to
- B. Increase the maximum impervious cover from 45% (required/permitted) to 56.51% (requested, existing); and to
- C. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 Maximum Development Permitted to increase the floor-to-area ratio from .4 to 1 (required, permitted) to .634 to 1 (requested, .494 to 1 existing); and to
- D. Section 2.6. A. (Side Setback Plane) to allow for a penetration of the side setback plane/building tent of 4 feet 6 inches vertically and 5 feet 6 inches horizontally in order to construct an addition to an existing single family home in an "SF-3-NP", Family Residence Neighborhood Plan zoning district. (West Austin Neighborhood Group)
  Other

BOARD'S DECISION: POSTPONED TO SEPTEMBER 14, 2015 AT THE APPLICANT'S REQUEST

RENOTIFICATION REQUEST: The applicant has requested variance(s) from:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side setback from 5 feet (required) to 0 feet (requested/existing); and to
- B. Increase the maximum impervious cover from 45% (required/permitted) to 56.51% (requested, existing); and to

## Ha

### CITY OF AUSTIN Board of Adjustment Decision Sheet

DATE: Monday, September 14, 2015  Brooke Bailey Michael Benaglio William Burkhardtn/a_ Eric Goff Vincent Harding (Chair) Melissa Hawthorne (Vice-Chair) Don Leighton-Burwell out Melissa Neslund James Valadez Michael Von Ohlen	CASE NUMBER: C15-2015-0116
APPLICANT: Jim Bennett	
OWNER: Marth Atelia Clarkson	
ADDRESS: 2005 TOWER DR	

- VARIANCE REQUESTED: The applicant has requested variance(s) from:
- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side setback from 5 feet (required) to 0 feet (requested/existing); and to
- B. Increase the maximum impervious cover from 45% (required/permitted) to 56.51% (requested, existing); and to
- C. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 Maximum Development Permitted to increase the floor-to-area ratio from .4 to 1 (required, permitted) to .634 to 1 (requested, .494 to 1 existing); and to
- D. Section 2.6. A. (Side Setback Plane) to allow for a penetration of the side setback plane/building tent of 4 feet 6 inches vertically and 5 feet 6 inches horizontally in order to construct an addition to an existing single family home in an "SF-3-NP", Family Residence Neighborhood Plan zoning district. (West Austin Neighborhood Group)
  Other

**BOARD'S DECISION:** POSTPONED TO SEPTEMBER 14, 2015 AT THE APPLICANT'S REQUEST

RENOTIFICATION REQUEST: The applicant has requested variance(s) from:

- A. Section 25-2-492 (D) (Site Development Regulations) to decrease the side setback from 5 feet (required) to 0 feet (requested/existing); and to
- B. Increase the maximum impervious cover from 45% (required/permitted) to 56.51% (requested, existing); and to
- C. Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Section 2.1 Maximum Development Permitted to increase the

II 10

floor-to-area ratio from .4 to 1 (required, permitted) to .634 to 1 (requested, .494 to 1 existing); and to

D. Section 2.6. A. (Side Setback Plane) to allow for a penetration of the side setback plane/building tent of 4 feet 6 inches vertically and 5 feet 6 inches horizontally in order to construct an addition to an existing duplex in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

BOARD'S DECISION: POSTPONED TO October 12, 2015 AT THE APPLICANT'S REQUEST

#### FINDING:

- 1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
- 2. (a) The hardship for which the variance is requested is unique to the property in that:
   (b) The hardship is not general to the area in which the property is located because:
- 3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Leane Heldenfels Executive Liaison Vincent Harding

Chairman

CASE # <u>C15-2015-0116</u> POW# 11385990 TAX ROLL # 0116030206 USTIN TCADV

#### CITY OF AUSTIN APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 2005 Tower Drive
LEGAL DESCRIPTION: Subdivision - Tarry Town No. 6
Lot(s) 53 pt of 54 Block Outlot Division
I Jim Bennett as authorized agent for Atelia Clarkson
affirm that on <u>5/16/2015</u> hereby apply for a hearing before the Board of Adjustment for consideration to:
ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN
An addition to an existing two family dwelling providing a FAR of 0.634:1, providing a vertical tent encroachment of 4.6" and a horizontal tent encroachment of 5.6; and maintaining a side yard setback of 0 ft., and providing an existing impervious cover of 56.51%
in aSF-#_NP(zoning district)
The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the

The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of

request is for a reduction in setbacks or height limits

Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your

your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings

# 11/12

#### **REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The duplex is existing from a previous building permit and certificate of occupancy issued in 1993, prior to the McMansion requirements.

#### HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

The code restricts that portion of lot 54 (3172 sq. ft.), that was purchased from the City of Austin, from being included in the computation of the portion of the adjacent 30 ft of lot 54. The size and shape of the remaining portion of lot 54 cannot be developed and for all practical purposes should be consider as a part of this site. The other remaining portion of lot 54 is owned by the City of Austin and is used for flood plain and drainage. Due to inability to construct on the adjoining portion of lot 54 the integrity, purpose and intent of the ordinance will not be lessened by the granting of the variance and no valid public interest would be served by denying the variance.

(b)The hardship is not general to the area in which the property is located because:

In 1993 the adjacent portion was obtained from the City of Austin and it appears to have been considered as part of lot 53 due to setbacks and other requirements of the time.

#### **AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The area of character will not change inasmuch as the use of the structure will remain the same and the vacant adjoining portion of lot 54 from appearances will look the same.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with

respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

- 1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:
- 2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
- 3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
- 4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Lewell Mail Address 11505 Ridge Dr.

City Austin , State Texas , & Zip 78748

Printed: Jim R. Bennett Phone: (512) 282-3079 Date:

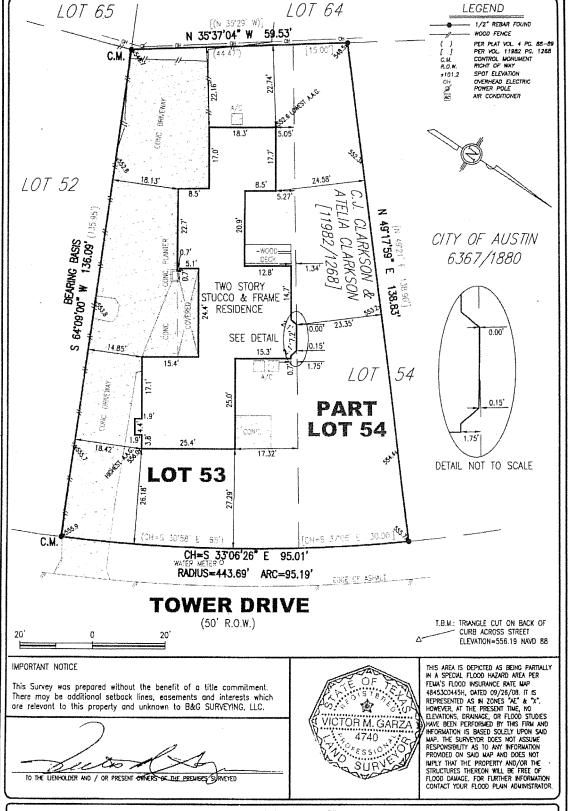
**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed atelia Clarhant Address 2005 Tower De-

C15-2015-0116

	1	- Annual Contract of the Contr
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2005 TOWER DR	IVE					
October 20, 2015						
		Lo	ot 53		Lot 53	<u>&amp; 54B</u>
	Exis	ting	Prop	osed	Comb	ined
Lot Area	7,744	S.F.	7,744	S.F.	11,289	S.F.
Impervious Cover - S.F.	4,664	S.F.	5,075	S.F.	5,075	S.F.
Impervious Cover - %	60.23%		65.53%		44.96%	
Total Building Area	4,046	S.F.	4,868	S.F.	4,868	S.F.
Floor Area Ratio	0.522	:1	0.635	:1	0.440	:1



STREET ADDRESS: 2005 & 2007 TOWER DRIVE

CITY: AUSTIN COUNTY: TRAVIS STATE OF TEXAS

LOT: 53 & PART OF 54

SUBDIMISION: TARRY-TOWN 6 VOL/CAB 4 PG/SLD 88-89 PLAT RECORDS

REFERENCE NAME: NESLIE COOK

GF BUILDING RE-MEASURED: 10/06/15
GF ELEVATIONS ADJUSTED: 08/21/15

#### NOTES:

Building dimensions are to the farthest EXTERIOR POINT at the first floor level, including siding and/or corner trim. Building dimensions are rounded to the nearest 0.1 feet.

2) Foundation, siding and corner trim differ in horizontal location in multiple areas.

3) Distances from the building to the property lines have a tolerance of 0.02 feet.



#### **B & G SURVEYING, LLC**

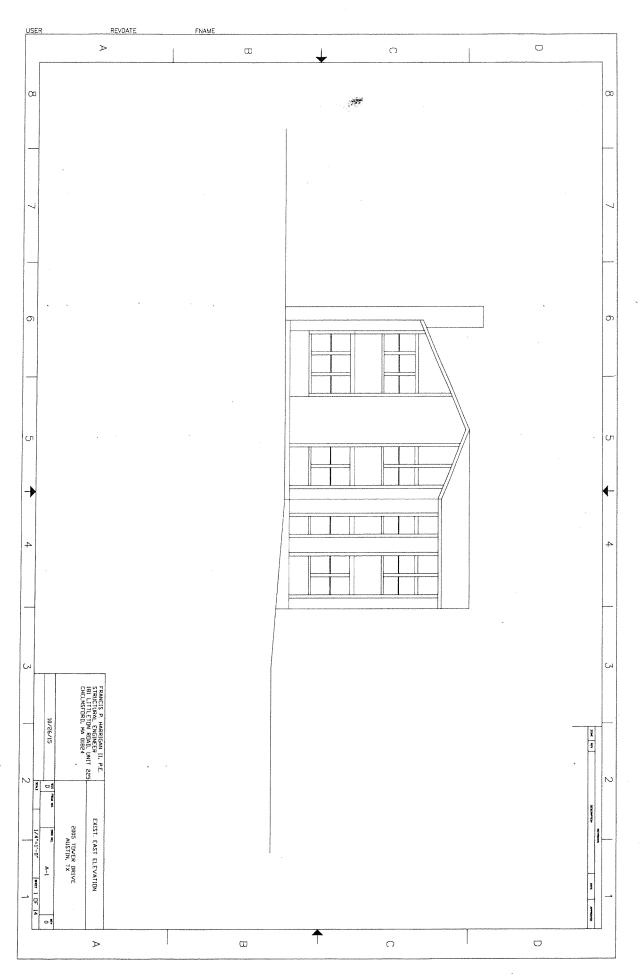
FIRM REGISTRATION NO. 100363-00

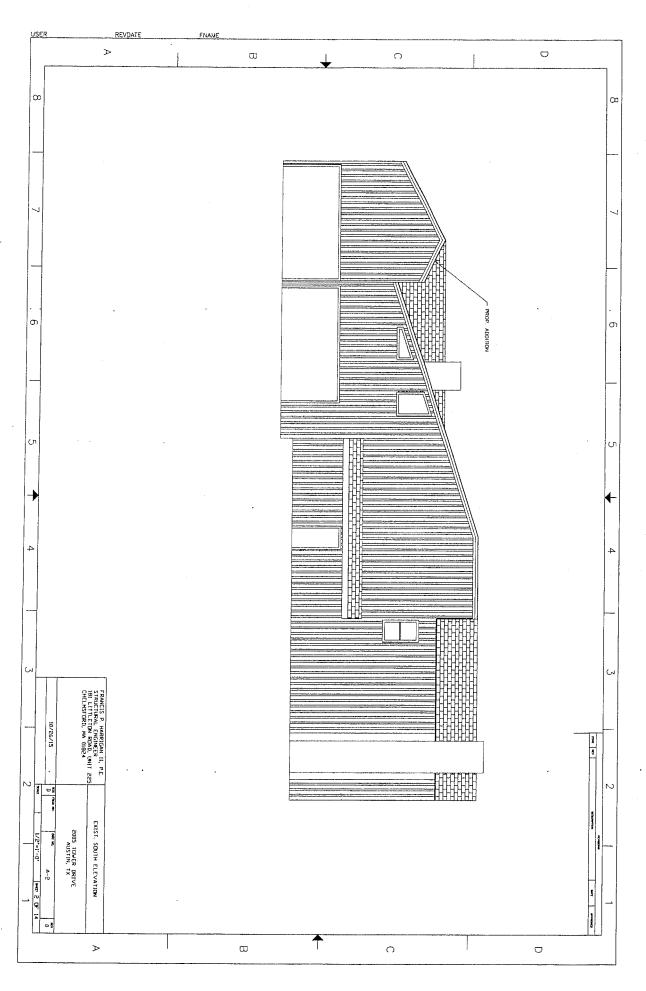
WWW.BANDGSURVEY.COM 1404 West North Loop Blvd. Austin, Texas 78756 Office 512\*458-6969

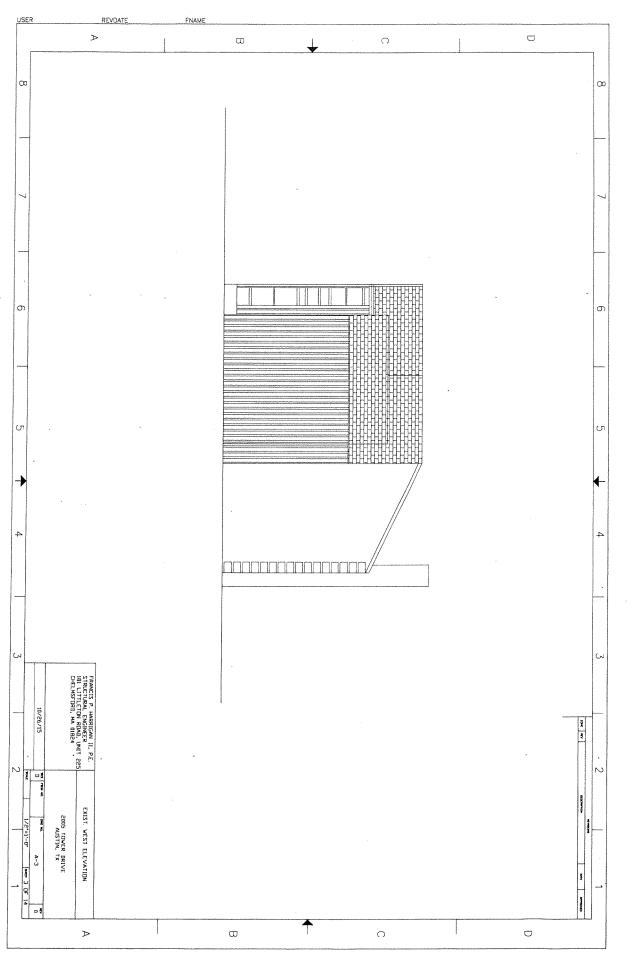
JOB #:	B0805015_	TA
DATE.	00 /00 /16	

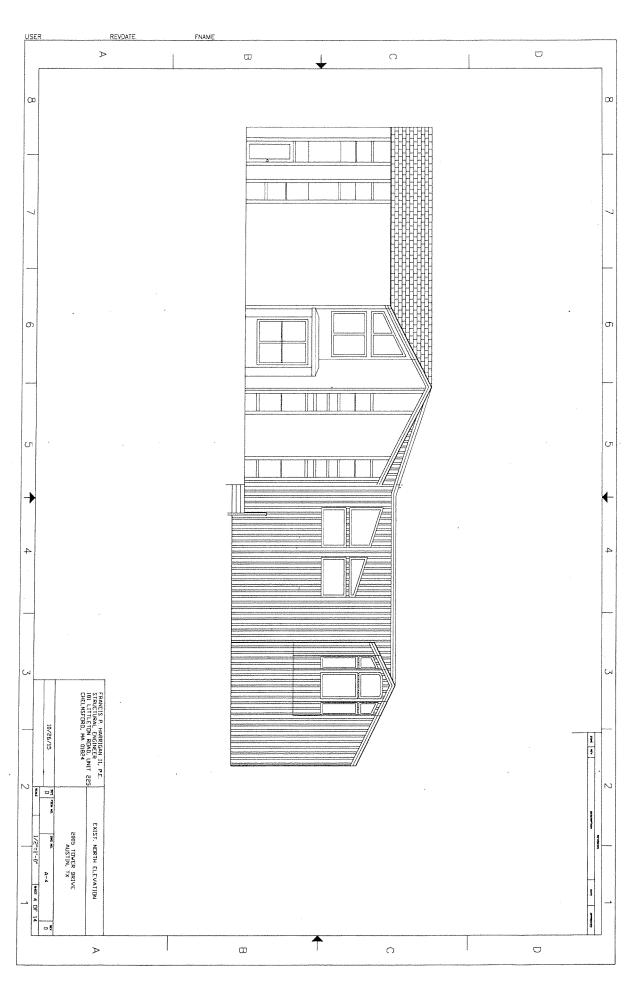
DATE: 08/20/15 SCALE: 1"= 20'

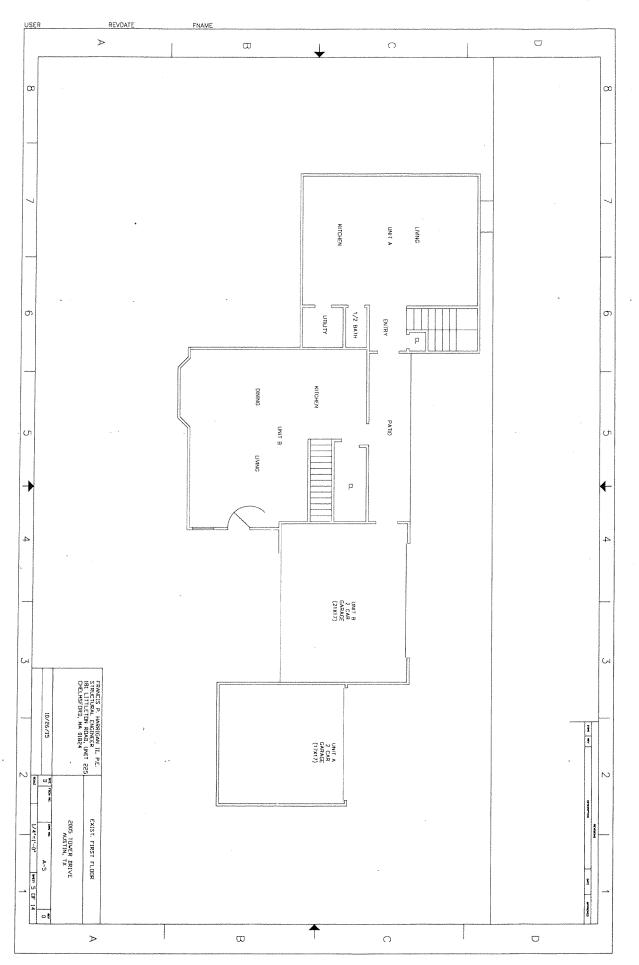
FIELD WORK BY	CHRIS	08/14/15
CALC'D BY	GF	08/19/15
DRAFTED BY	GF	08/19/15
CHECKED BY	ML	08/20/15

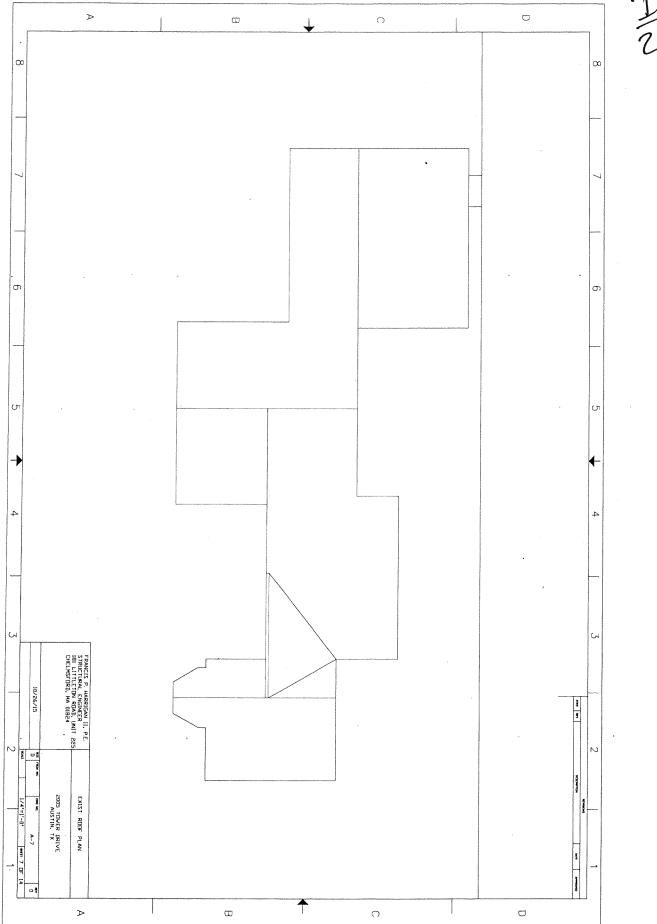




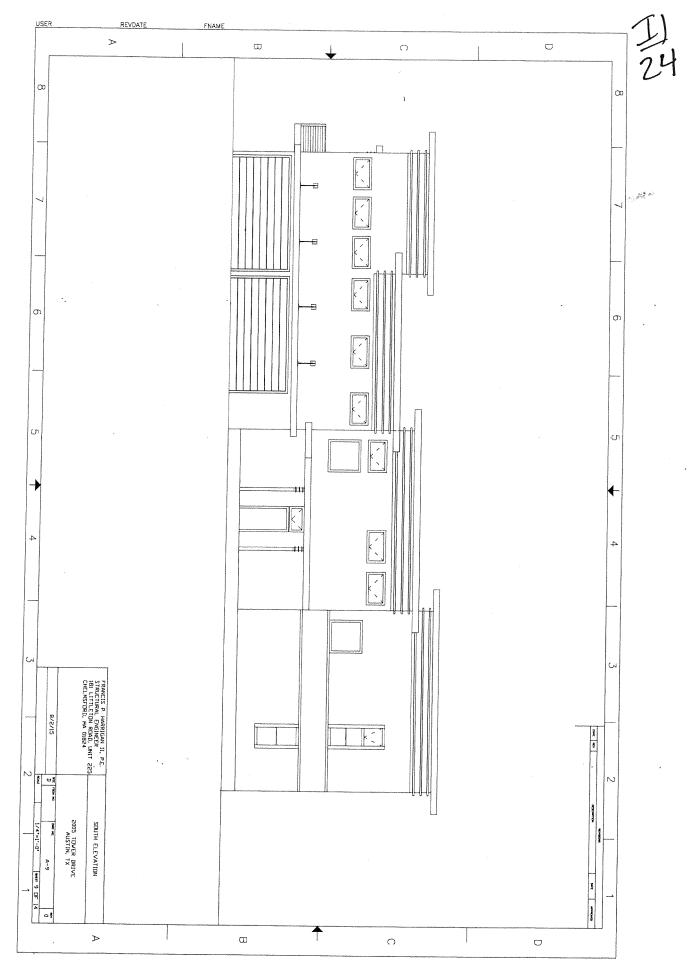




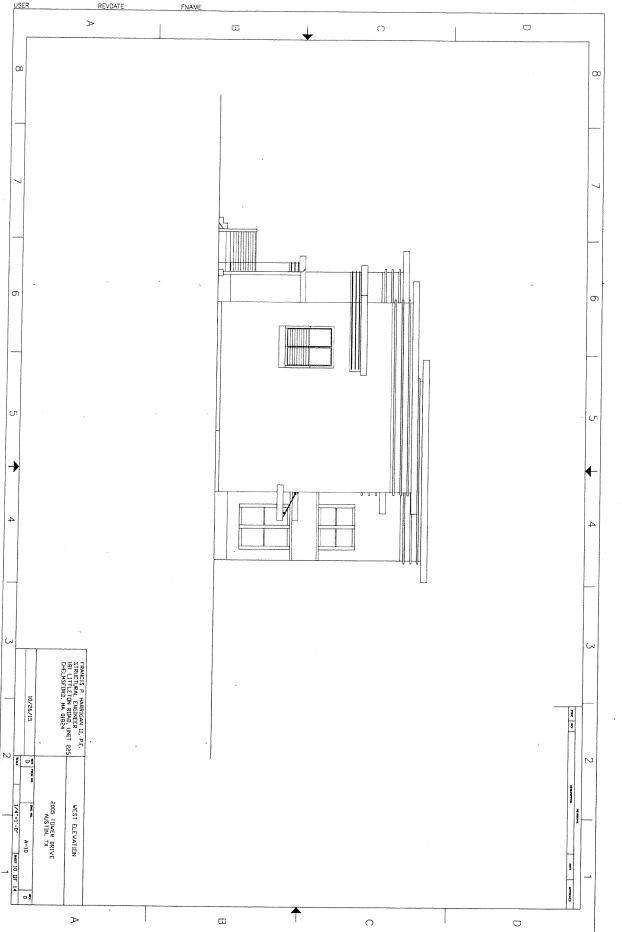






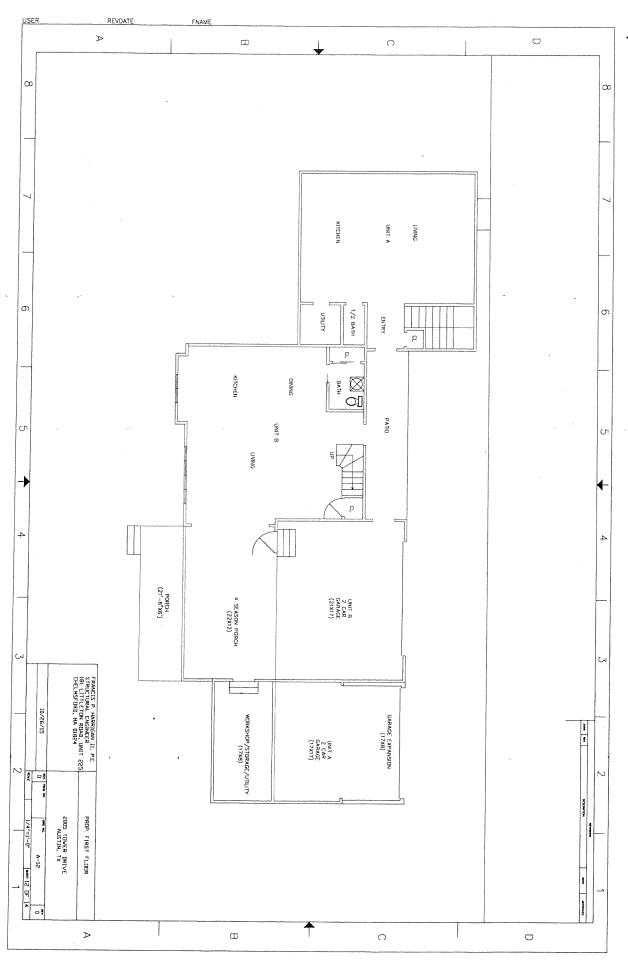


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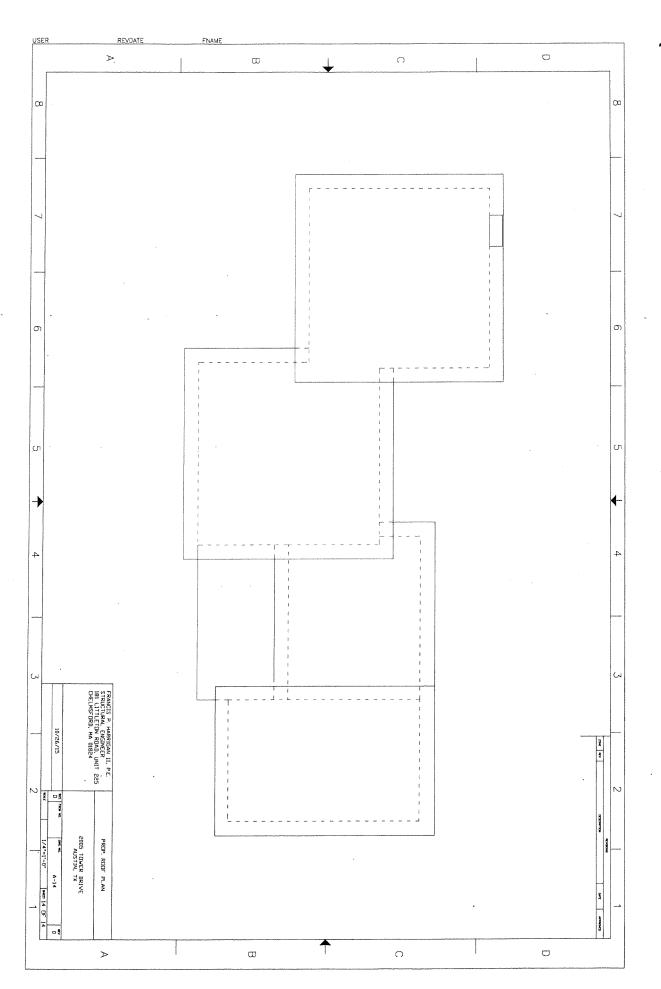
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IBI LITTLETON ROAD, UNIT 225
CHELMSFORD, HA 01824 10/26/15 3 5 2005 TOWER DRIVE AUSTIN, TX NORTH ELEVATION  $\triangleright$  $\varpi$  $\circ$ 0

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⊳  $\varpi$  $\Box$  $\circ$  $|\infty|$ ρ BEDROOM (11X15) BEDROOM (9X13) V TINU σ თ <u>⊠8</u> ⊠8 BEDROOM (11X16) B 11NO S CLOSET CLOSET G BEDROOM (11x12) FAMILY (16X17) ਰ ВАТН MASTER BEDROOM (18X17) MASTER WALK-IN (15XB) CLOSET PROP. SECOND FLOOR 2005 TOVER DRIVE AUSTIN, TX ⊳  $\varpi$  $\circ$ O

1/28



1/29

#### 2005 Tower Drive

#### Lot 53 (54)

Site area = 7,744 s.f.

Impervious Cover Allowed @ 45% = 3,485 s.f.

Existing Impervious Cover = 4,376 s.f. = 56.51%

Proposed Impervious Cover - unchanged

Existing FAR = 0.494:1

Proposed FAR = 0.634:1

Existing Tent Encroachments – 11'-6" vertically and horizontally. There are others but this is the largest encroachment.

Proposed Tent Encroachment – to maintain the above. Addition will have a 5'-6" encroachment horizontally and a 4'-6" encroachment vertically.

Existing Setbacks – Portion of house protrudes over property line. This will be removed with new permitted construction after waivers are granted. Portions of existing house have a 0' setback.

Proposed Setbacks – To maintain the abo√e and new construction will have a 0' setback.

#### Lot 53 and 1/2 of adjacent lot

Site area = 11,289 s.f.

Impervious Cover Allowed @ 45% = 5/080 s.f.

Existing Impervious Cover = 4,376 s.f. = 45%

Proposed Impervious Cover - unchanged

Existing FAR = 0.339:1

Proposed FAR = 0.435:1

Existing Tent Encroachments - None

Proposed Tent Encroachment - None

Existing Setbacks - No setback encroachments

Proposed Setbacks - No setback encroachments

C'larkson.

1) 3t

#### List of Waivers -

#### Waiver 1 - Impervious Cover

To Maintain the existing IC on Lot 53 at 56.51%

Waiver 2 - FAR

To increase the FAR on Lot 53 to 0.435:1 - O 634.

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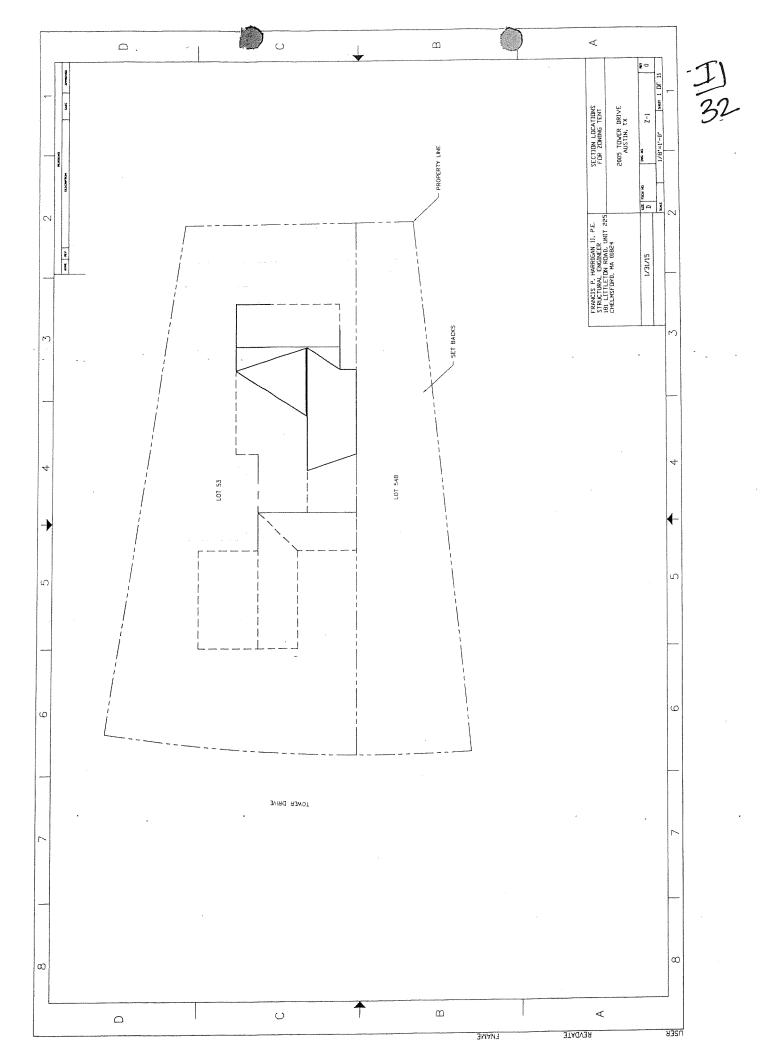
#### Waiver 3 - Tent Encroachments

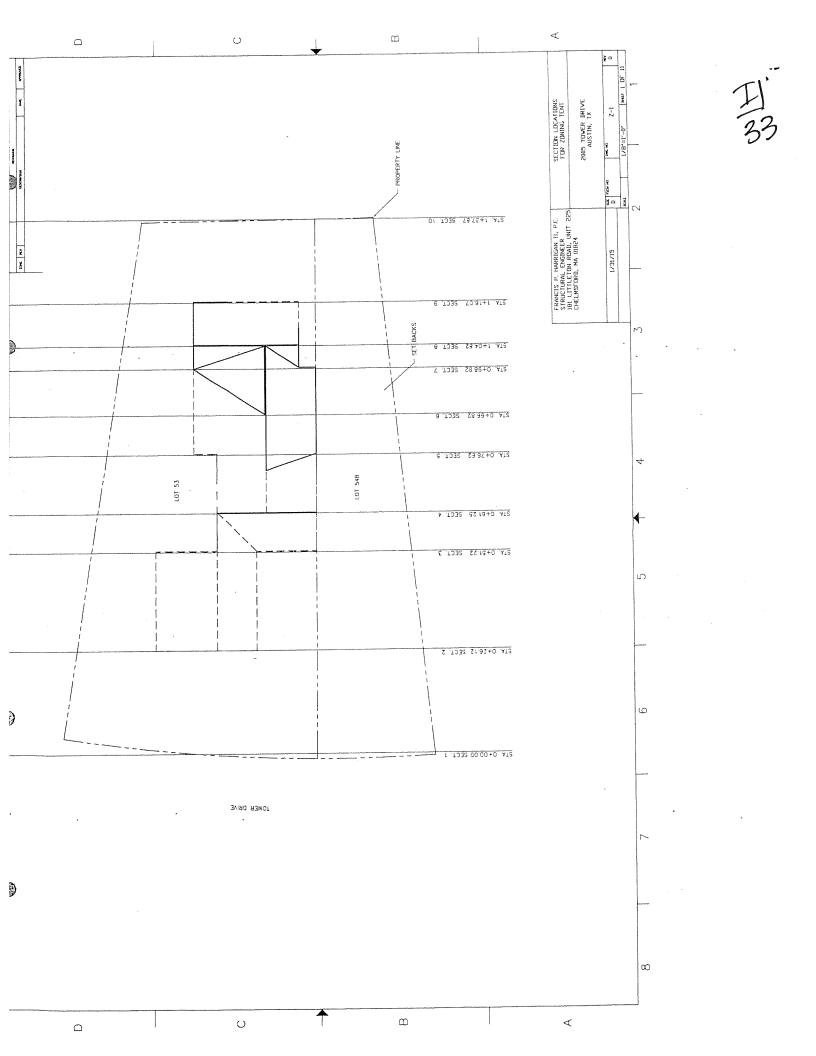
To maintain an encroachment up to 11'-6" vertically and horizontally and to have new construction encroachment of 5'-6" horizontally and a 4'-6" vertically.

#### Waiver 4 - Setbacks

To maintain the setback of 0' and to have hew construction at 0' setback.

JJ 31





SS Code Adams
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8 Resser .

2005 Tower Dr.

Tarrytown #6

Fr. Addn. to Res. for Duple x

63176

3-12-56

\$5,800.

L. Hudson

Hiram S. Brown

156

2005 Tower Drive

53

Tarrytown #6

Hollow tile residence

28515 12-26-45

\$5,500.00

Day labor

SPECIAL WARRANTY DEED

FILM CODE

TEXAS S STATE OF

00004998241

COUNTY OF TRAVIS \$

8:18 AM 0156

15.00 INDX 2 4 07/21/93

June 16, 1993 DATE:

5.00 RECH 4 07/21/93

GRANTOR: City of Austin, a Texas municipal corporation

22.21-CHK+

930827,44-DBC#

GRANTOR'S MAILING ADDRESS :

P.O. Box 1088

Austin, Texas 78767-8839

Attn.: Real Estate Services Division

GRANTEE: C.J. Clarkson and wife, Atelia Clarkson

GRANTEE'S MAILING ADDRESS:

4015 Sierra Drive Austin, Texas 78731

TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which CONSIDERATION: are hereby acknowledged.

PROPERTY (including any improvements):

3127 square feet of land, more or less, out of Lot 54, of Tarry-Town 6, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Book 4, Pages 88-89 of the Plat Records of Travis County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

reservations, restrictions, mineral interests, conditions and matters of record in Travis County, Texas, other than liens, which affect the property or the use thereof.

All visible and apparent easements, and unrecorded easements which affect the property or the use thereof.

1 of 4

REAL PROPERTY RECORDS TRAVIS COULTY, TEXAS

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The restrictions set forth and the easements retained in this instrument.

Taxes for the current year, and all subsequent years, and taxes for prior years due through change in usage or ownership of the property, payment of which taxes is hereby assumed by Grantee.

subject consideration and for the Grantor, reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, successors or assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the property to Grantee and Grantee's every person successors and assigns, against whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty expressly stated herein, when the claim is by, through or under the Grantor, but not otherwise.

The property is subject to the following restriction, which constitutes a covenant running with the land, and which will be binding on Grantee, their heirs, successors and assigns:

NO BUILDING OR OTHER STRUCTURE OR IMPROVEMENT SHALL BE ERECTED, BUILT UPON, OR MOVED ONTO THE PROPERTY WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY OF AUSTIN.

Grantor hereby reserves a drainage and public utility easement over, under, above and across the property for the construction, installation, upgrade, maintenance and removal of drainage and public utility facilities, and for all purposes related to such use, and the right of ingress and egress across the property for the use of the drainage and public utility easement.

When the context requires, singular nouns and pronouns, include the plural.

GRANTOR:

CITY OF AUSTIN

Name: Joseph Morahan

Title: Manager, Real Estate

Services Division

2 of 4

REAL PROPERTY RECORDS TRAVIS COUNTY TEXAS

I) 39

Approved as to form:

Assistant City Attorney

CONSENTED AND AGREED TO:

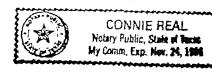
C.J. Clarkson

Atelia Clarkson

## ACKNOWLEDGMENTS

THE STATE OF TEXAS \$ 5 COUNTY OF TRAVIS \$

This instrument was acknowledged before me on the lot day of June, 1993, by Joseph Morahan, Manager, Real Estate Services Division, Department of Public Works and Transportation of the City of Austin, a Texas municipal corporation, on behalf of said corporation.



Notary Public in and for the State of Texas

(Seal)

Printed Name of Notary

My commission expires:

3 of 4

REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS THE STATE OF TEXAS § COUNTY OF TRAVIS acknowledged before me on This instrument was day of June, 1993, by C.J. Clarkson. for the State Public in and Notary GEORGIA DUKE Notary Public, State of Texas Texas My Commission Expires SEPT. 19, 1996 Printed Name of Notary Seal) My commission expires:\_ THE STATE OF TEXAS § COUNTY OF TRAVIS S on the me acknowledged before This instrument was day of June, 1993, by Atelia Clarkson. Notary Public in and for GEORGIA DUKE

Printed Name of Notary

My commission expires: \_

AFTER RECORDING, RETURN TO:

Notary Public, State of Texas.
My Commission Expires

(Se&EAT. 19, 1996

City of Austin
Department of Public Works and Transportation
P.O. Box 1088
Austin, Texas 78767-8839
Attention: Connie Real, Real Estate Services Division
File No. P-222

Page 1 of 3

## FIELD NOTES FOR 3127 SQUARE FEET OF LAND

FIELD NOTES FOR 3127 SQUARE FEET OF LAND, MORE OR LESS, BEING OUT OF AND A PART OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING FURTHER DESCRIBED AS BEING OUT OF AND A PART OF LOT 54 OF "TARRY-TOWN 6", A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, OF RECORD IN PLAT BOOK 4 AT PAGES 88-89 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 3127 SQUARE FEET OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning for reference, at an iron pin, found, being the Northeast corner of Lot 55 and the Southeast corner of Lot 56, said lots being out of and a part of "Tarry-Town 6", a subdivision of record in Plat Book 4 at Pages 88-89 of the Plat Records of Travis County, Texas and being located on the West curving R.O.W. line of Tower Drive;

Thence along the Northeast Lot line of the aforementioned Lot 55 and the West R.O.W. line of Tower Drive, being a curve to the right with a radius of 443.69 feet and an arc distance of 65.06 feet whose chord bears S 47°46' E for a distance of 65.00 feet to an iron pin, set, being the Southeast corner of the aforementioned Lot 55 and being the Northeast corner of Lot 54 of the aforementioned subdivision, "Tarry-Town 6";

Thence continuing along the West R.O.W. line of Tower Drive, also being along the Northeast lot line of the aforementioned Lot 54, being a curve to the right with a radius of 443.69 feet and an arc distance of 35.05 feet whose chord bears S 41°18' E for a distance of 35.04 feet to the PLACE OF BEGINNING, being an iron pin, set and being the Northeast corner of Subject Tract;

THENCE continuing along the West R.O.W. line of Tower Drive and the Northeast lot line of the aforementioned Lot 54, being a curve to the right with a radius of 443.69 feet and an arc distance of 30.01 feet whose chord bears 5 37°06' E for a distance of 30.00 feet to an iron pin, set, being the Southeast corner of the aforementioned Lot 54, also being the Northeast corner of Lot 53 of the aforementioned subdivision, "Tarry-Town 6" and being the Southeast corner of Subject Tract;

REAL PROPERTY RECORDS TRAVIS COUNTY TEXAS

EXHIDE K

FIELD NOTES FOR 3127 ROUARE FEET OF LAND

FIELD MOTES FOR DICT SMUARE FEET OF LAND, MORE OR LESS, BEING OUT OF AND A PART OF THE SEORSE W. SPEAR LEAGUE IN THE CITY OF AUSTIM, TRAVIS COUNTY, TEXAS, REING FURTHER DESCRIBED AS BEING OUT OF AND A PART OF LOT MAD OF TARRY-TOWN 6", A SUBDIVISION IN THE CITY OF AUSTIM, TRAVIS COUNTY, TEXAS, OF RECORD IN PLAT BOOK A AT PAGES BB-55 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID DICT SWUARE FEET OF LAND, MORE OR LESS, BEING MORE FARTICULARLY DESCRIBED BY METER AND DOWNER AS FOLLOWS:

Beginning for reference, at an iron min, found, being the Northeast corner of Lot 55 and the Southeast corner of Lot 56, said lots being out of and a mart of "Tarry-Town 5", a subdivision of record in Plat Book 4 at Pages 88-89 of the Plat Records of Travis County, Texas and being located on the West curving R.O.W. line of Tower Brive:

Thence along the Northeast Lot line of the aforementioned Lot 55 and the West 8.0.W. line of Tower Drive, being a curve to the right with a radius of 443.69 feet and an arc distance of 65.06 feet whose chors bears 5.47\*46° E for a distance of 65.00 feet to an iron min, set, being the Southeast corner of the aforementioned Lot 35 and being the Northeast corner of Lot 54 of the aforementioned subdivision, "Tarry-Town 6°:

Thence continuing along the West R.O.W. line of Tower Drive, also being along the Northeast lot line of the aforementioned Lot 54, being a curve to the right with a radius of 443.69 that and an arc distance of 35.95 feet whose chord bears 5.41°18° E for a distance of 25.04 feet to the PLACE OF REGIMING; being an iron pin, set and being the Northeast corner of Subject Tract;

THENCE continuing along the Hest R.O.W. line or Tower Drive and the Morthwart lot line of the aforementioned Lot 54, teins a curve to the right with a radius of AAJ.69 feet and an arc distance of 30.01 feet whose shord bears 5 37.06° E for a distance of 30.00 feet to an iron rimset, being the Southeast corner of the aforementioned Lot 54, also being the Northeast corner of Lot 53 of the aforementioned subdivision, "Tarry-Town 6° and being the Southeast corner of Subject Tract;

PEAC PROPERTY SECONDS

REAL PROPERTY KECORDS TRAVIS COUNTY, TEMAS

Exhibit "A"

Page 2

THENCE S 55°30' N leaving the West R.O.W. line of Tower Drive and traveling along the common lot line between the aforementioned Lot 54 and the aforementioned Lot 53, for a distance of 139.20 feet to an iron rin, sets being the Southwest Corner of the statementioned fol the about mount the Northwest corner of the aforementioned Lot 33: also being located on the Northwest lot line of Lot 64 of the aforementioned subdivision. "Tarry-Town 6" and being the Sauthwest corner of Subject Tract;

THENCE N 35°29° H along the common lot line between the aforementioned Lot 54 and the aforementioned Lot 64, for distance of 15.00 feet to an iron pin; set; being the Northwest corner of SubJect Tract;

THENCE N 45°21' E leaving the common lot line between the aforementioned Lot 54 and the aforementioned Lot 64 and traveling into and through the aforementioned Lot 54, for a distance of 138.90 feet to the PLACE OF REGINNING; containing 3127 square feet to land, more or loss.

I. L. GORDON STEARNS, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR, DO CERTIFY THAT THE COURSES, DISTANCES AND AREA WERE DETERMINED BY A SURVEY ON THE GROUND AND ARE TRUE AND CORRECT. GIVEN UNDER MY HAND AND SEAL, THIS THE 17TH DAY OF MARCH, 1990 A.D.

GORDON STEARMS: JP.

REGISTERED PROFESSIONAL LAND SURVEYOR / MO. 4649

STEARNS AND ASSOCIATES. INC.

103 TEDRORD STREET / AUSTIN, TEXAS / 78753 PHONE NUMBER : (512) 836-8533

JOB NUMBER : 10562

JUL 21 🗯

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RECORDERS MEMORANDUM - AI IN THE माध्यक्रवेडचे उर्व को केतम्बी साम विकादाप्रचार्य संदेश क्वित्रधनत्वन for the bon photographic reproduction, bossess of incuming, inchose or photo copy, districted paper, etc. All photocounsed discovered charges were present to the time the factorist man filed and recorded.

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THENCE S 55°32' W leaving the West R.O.W. line of Tower Drive and traveling along the common lot line between the aforementioned Lot 54 and the aforementioned Lot 53, for a distance of 139.20 feet to an iron pin, set, being the Southwest corner of the aforementioned Lot 54, also being the Northwest corner of the aforementioned Lot 53, also being located on the Northeast lot line of Lot 64 of the aforementioned subdivision, "Tarry-Town 6" and being the Southwest corner of Subject Tract;

THENCE N 35°29' W along the common lot line between the aforementioned Lot 54 and the aforementioned Lot 64, for a distance of 15.00 feet to an iron pin, set, being the Northwest corner of Subject Tract;

THENCE N 49°21' E leaving the common lot line between the aforementioned Lot 54 and the aforementioned Lot 64 and traveling into and through the aforementioned Lot 54, for a distance of 138.90 feet to the PLACE OF BEGINNING, containing 3127 square feet to land, more or less.

A REGISTERED PROFESSIONAL LAND I, L. GORDON STEARNS: JR.: AND AREA COURSES, DISTANCES SURVEYOR, DO CERTIFY THAT THE WERE DETERMINED BY A SURVEY ON THE GROUND AND ARE TRUE AND CORRECT. GIVEN UNDER MY HAND AND SEAL, THIS THE 17TH DAY OF MARCH: 1992 A.D.

L. GORDON STEARNS, JR.

REGISTERED PROFESSIONAL LAND SURVEYOR / NO. 4649

STEARNS AND ASSOCIATES, INC.

**STATE OF TEXAS** 

TATEOFTEXAS COUNTY OF TRATE OF TEDFORD STREET / AUSTIN, TEXAS / 78753

PHONE NUMBER : (512) 636-0533

JOB NUMBER : 10582

JUL 21 1999

the date and at the time stamped hereon by met and

at duty RECORDED, in the Volume and Page of the med RECORDS of Trieves County, Texas, on

COUNTYCLERK TRAVISCOUNTY, TEXAS

93 JUL 21 PH \$ 01

DANA DE BEAUVOIR COUNTY CLERK THAVIS COUNTY, TEXAS



REAL PROPERTY RECORDS
TRAVIS COURTY, TEXAS

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RECORDER'S MEMORANDUM - At the time of recordation this instrument was found to be inadequate for the best photographic reproduction, because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED

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DAILM DEGEAUVOIR COUNTY CLERK TRAVIS COUNTY, TEXAS

STATE OF TEXAS

I hereby cordy, that this instrument was FILED on the date and at the time stamped rerean by me, and was duly RECORDED, in the Volume and Page of the ramed RECORDS of Travis County, Texas, on

AUG 1 1994

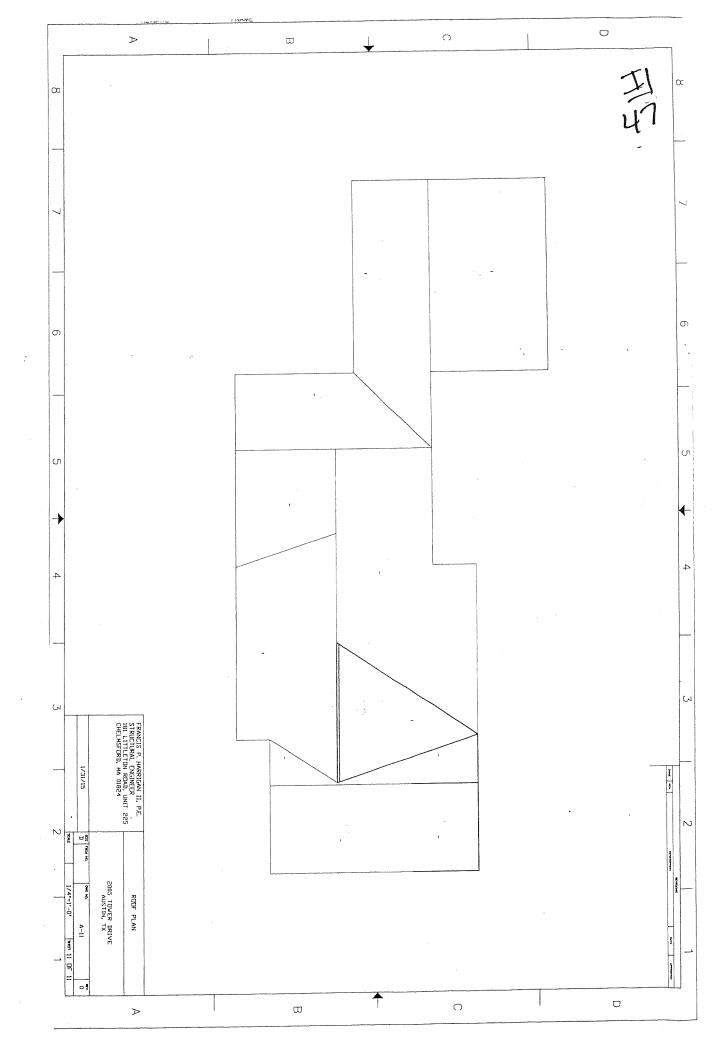


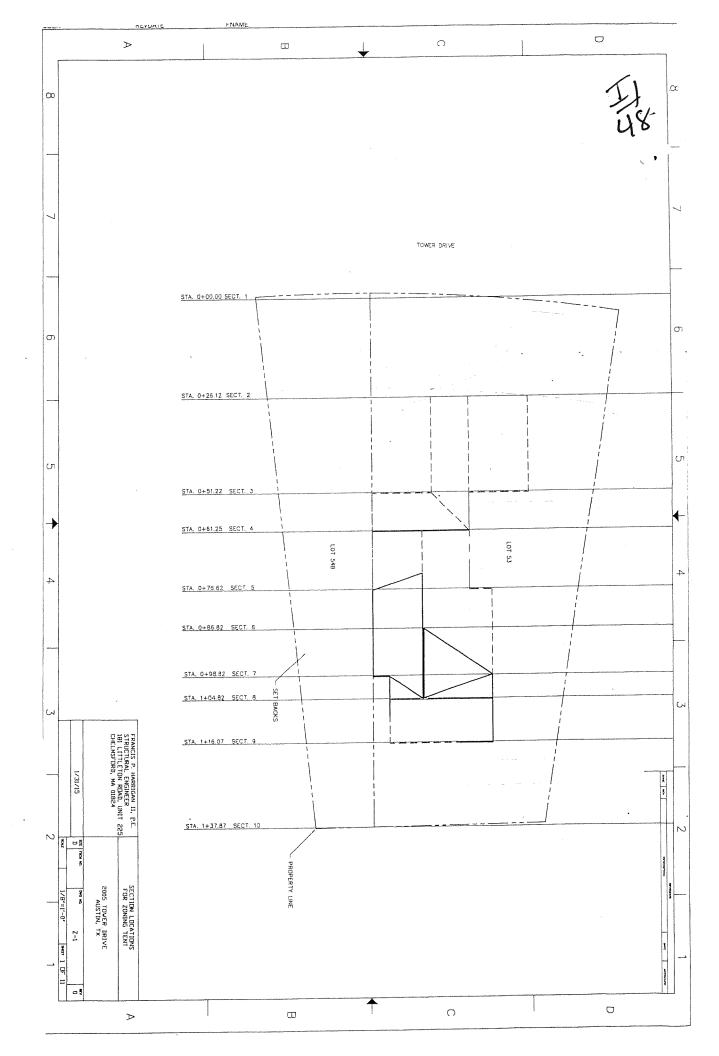
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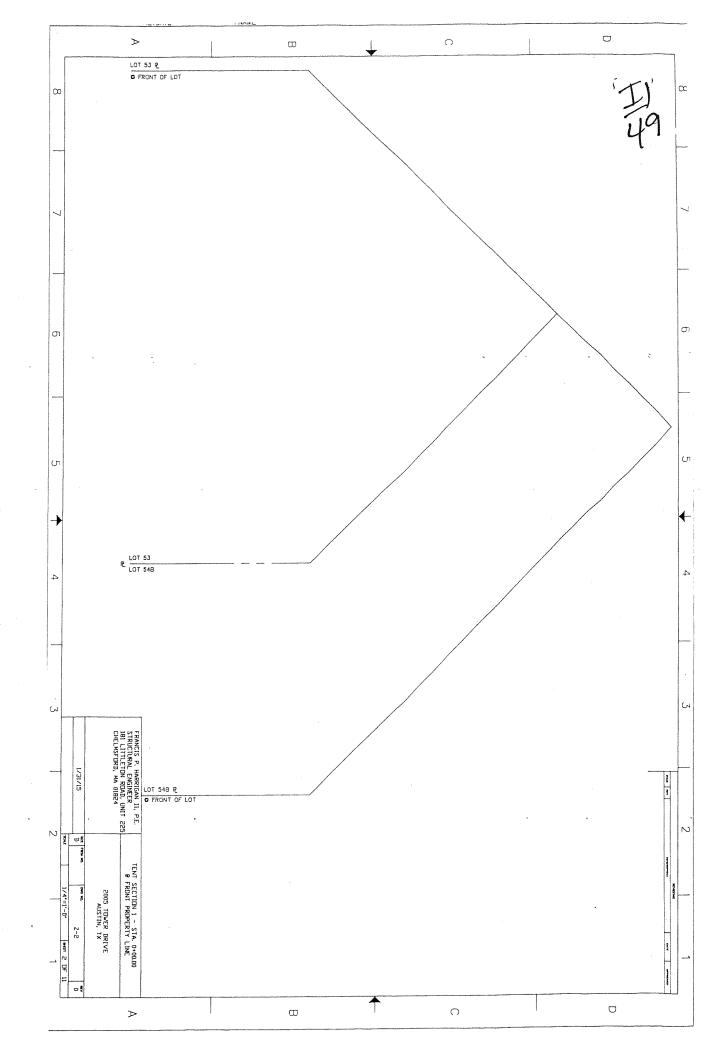
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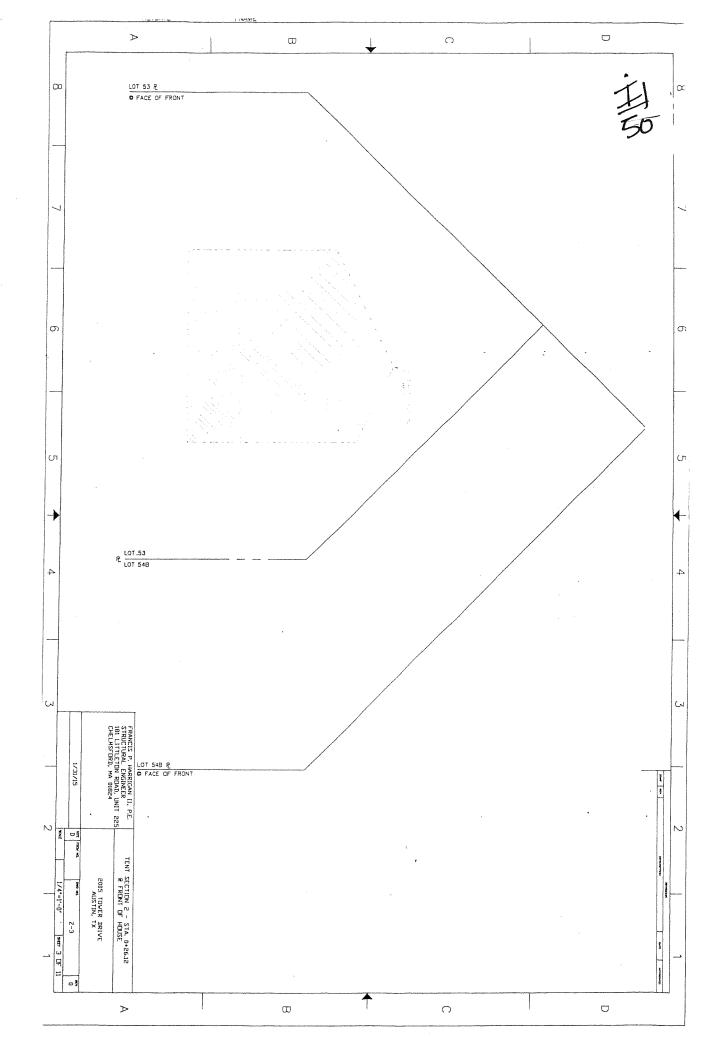
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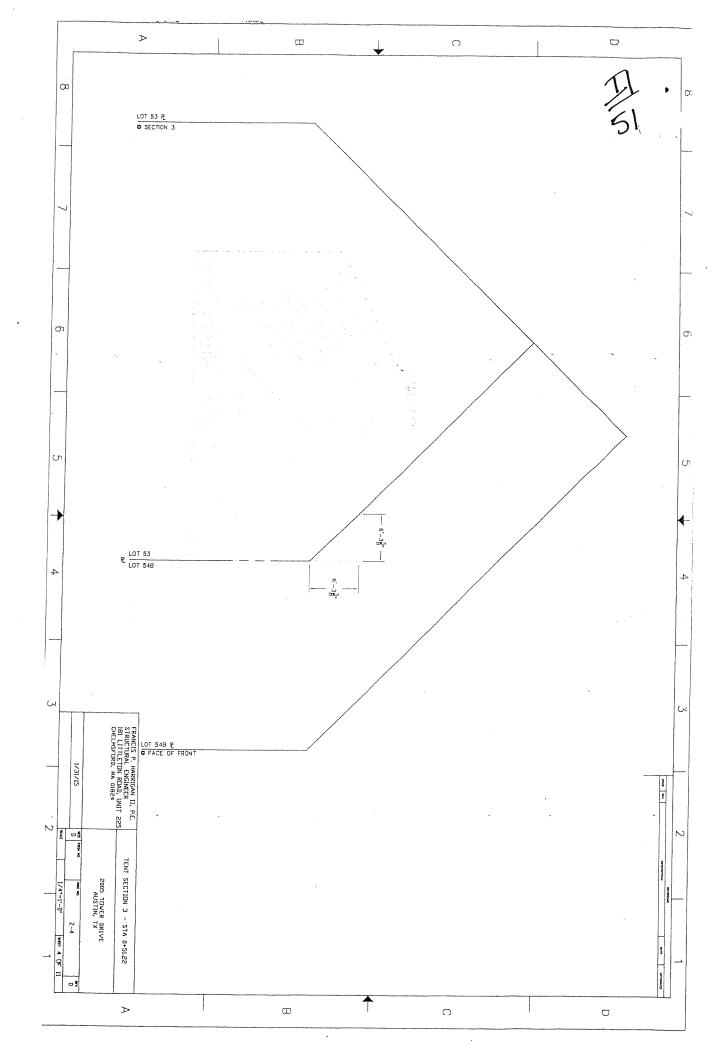
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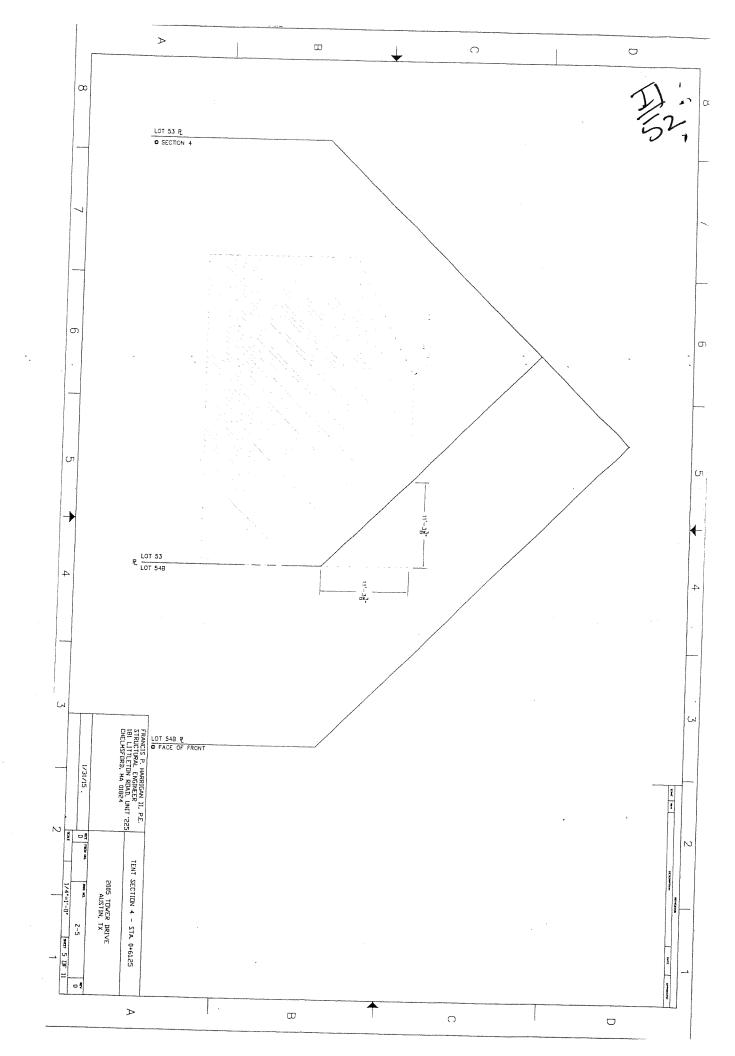


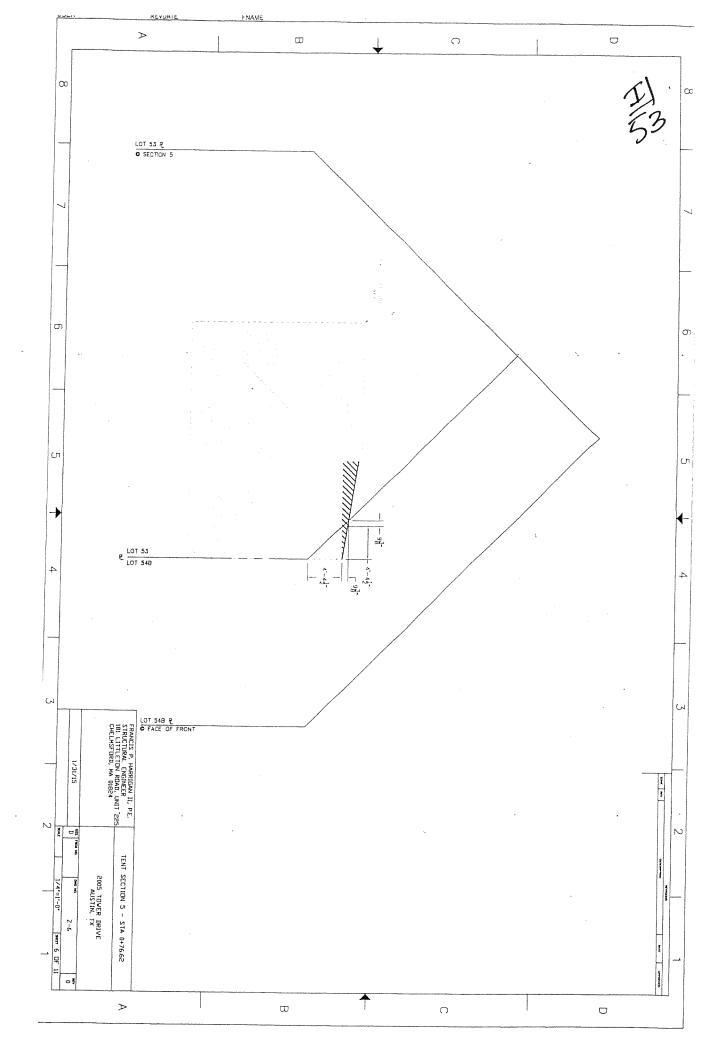


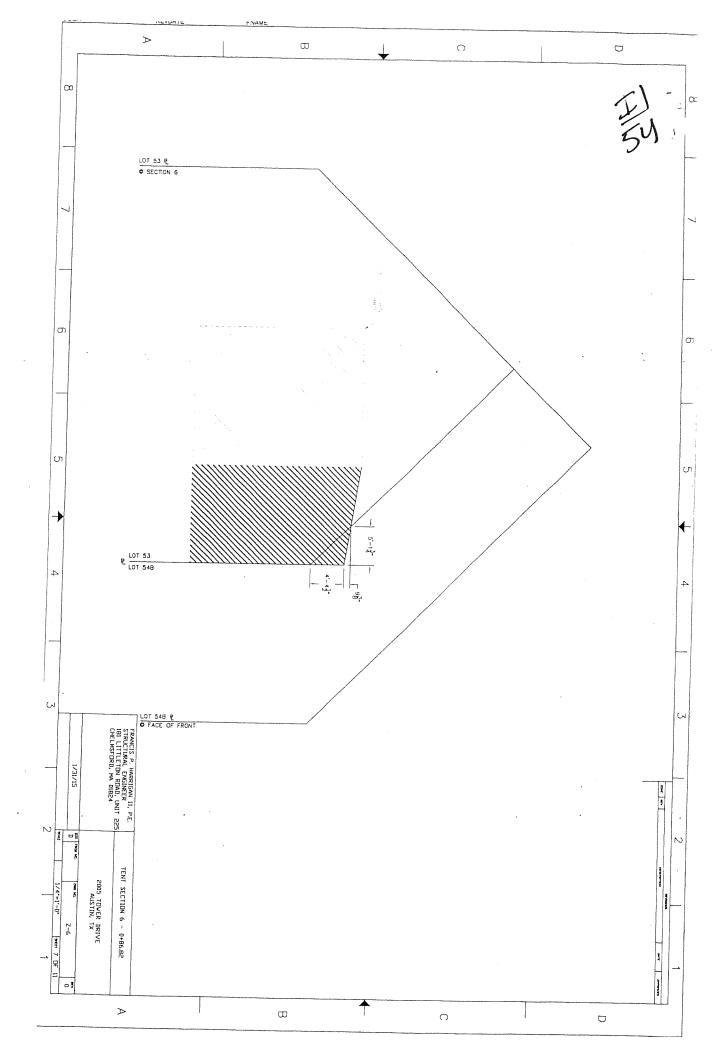


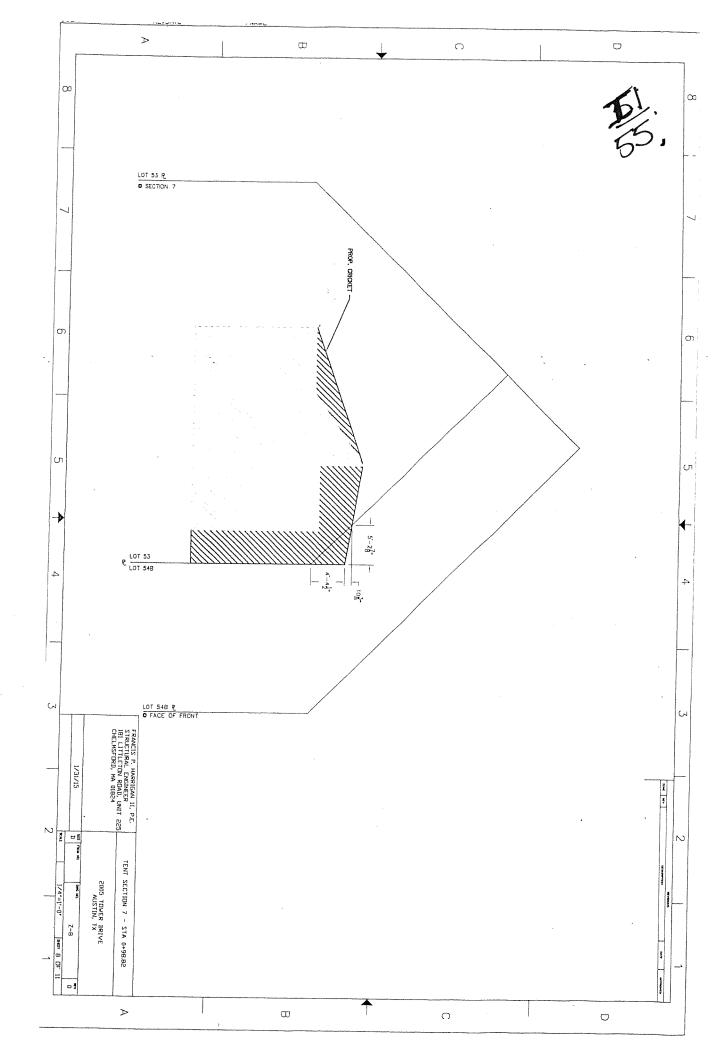


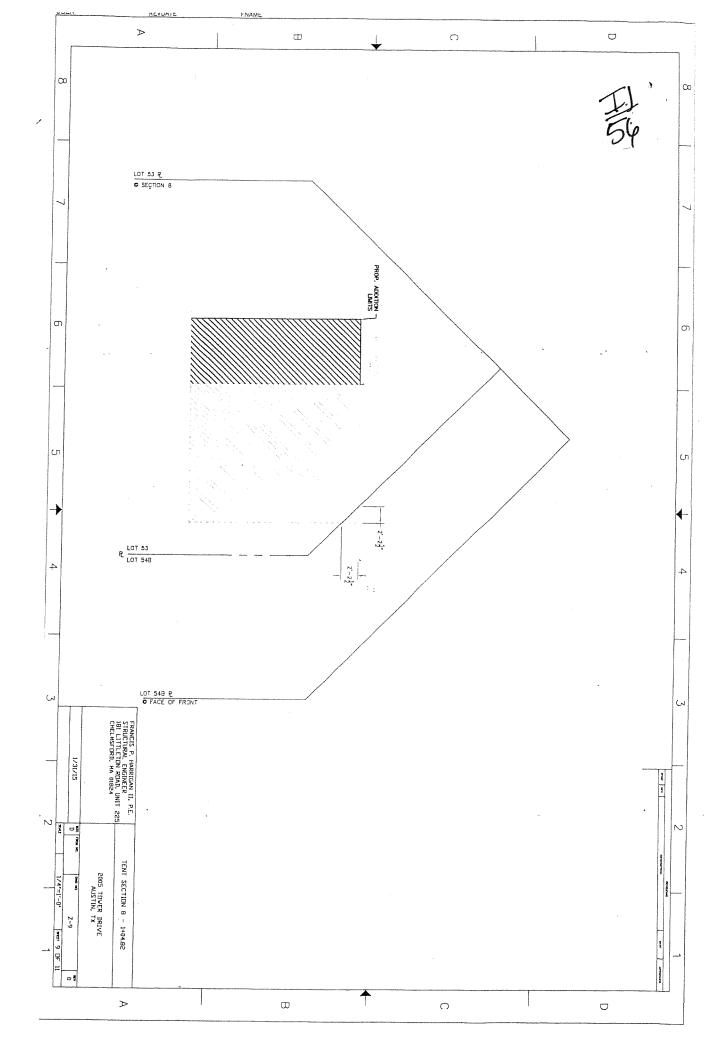


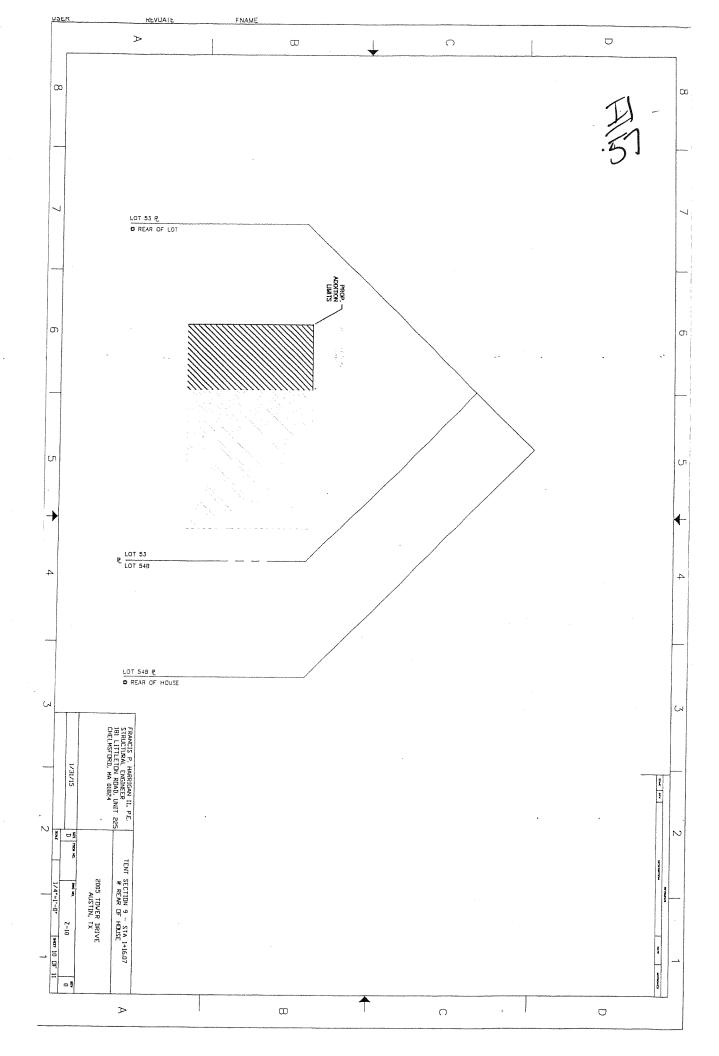


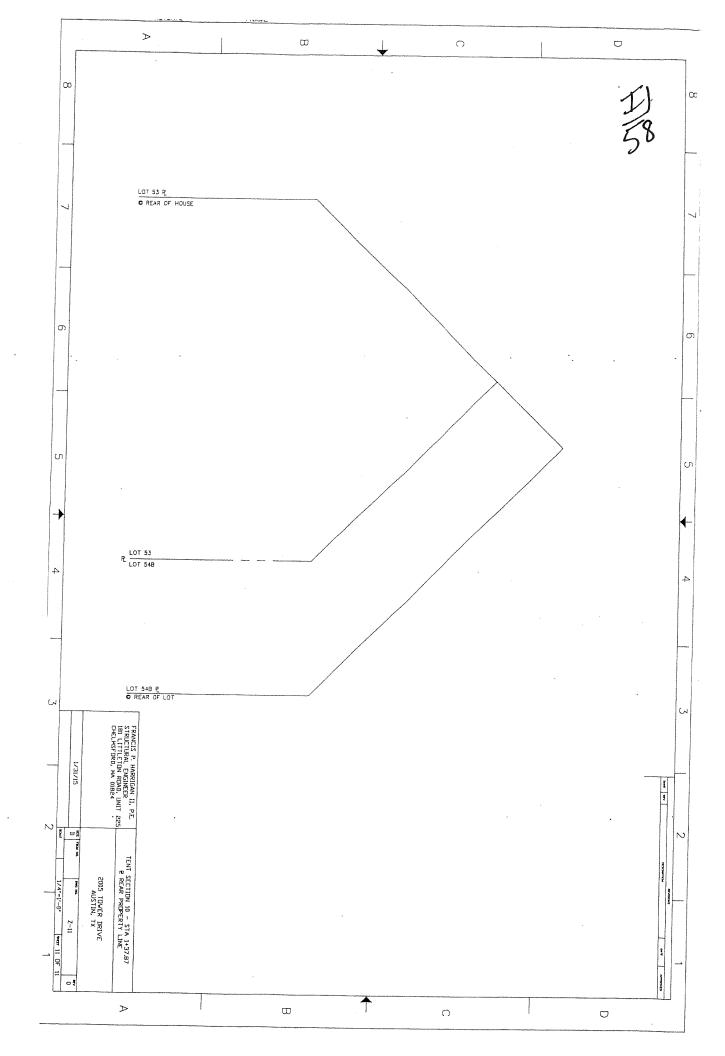


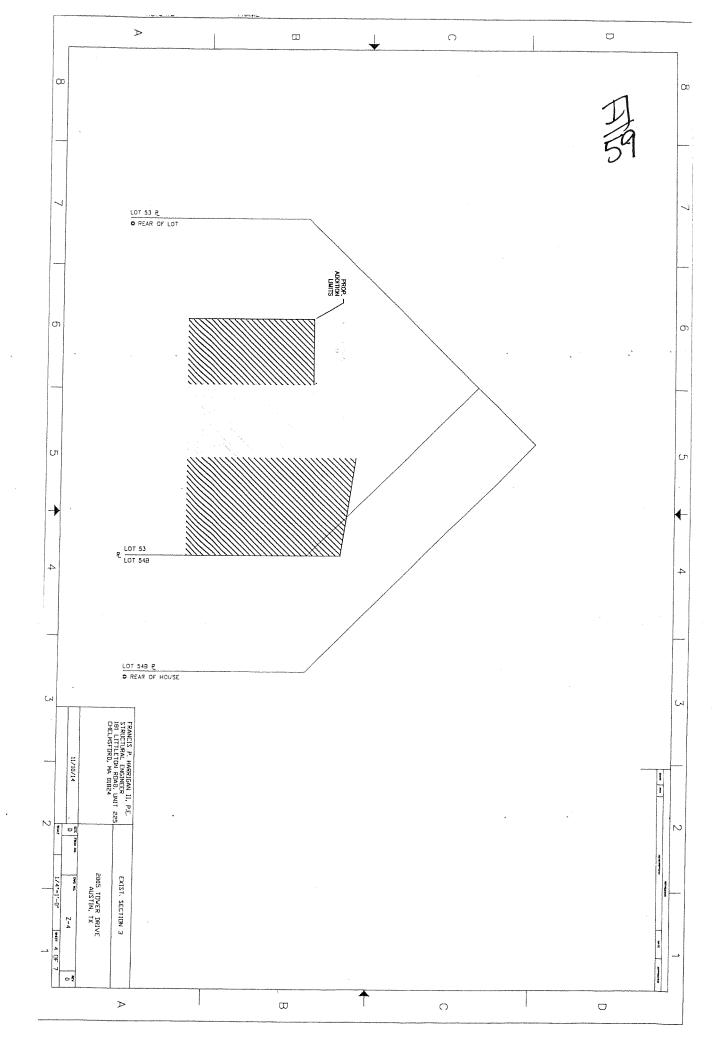


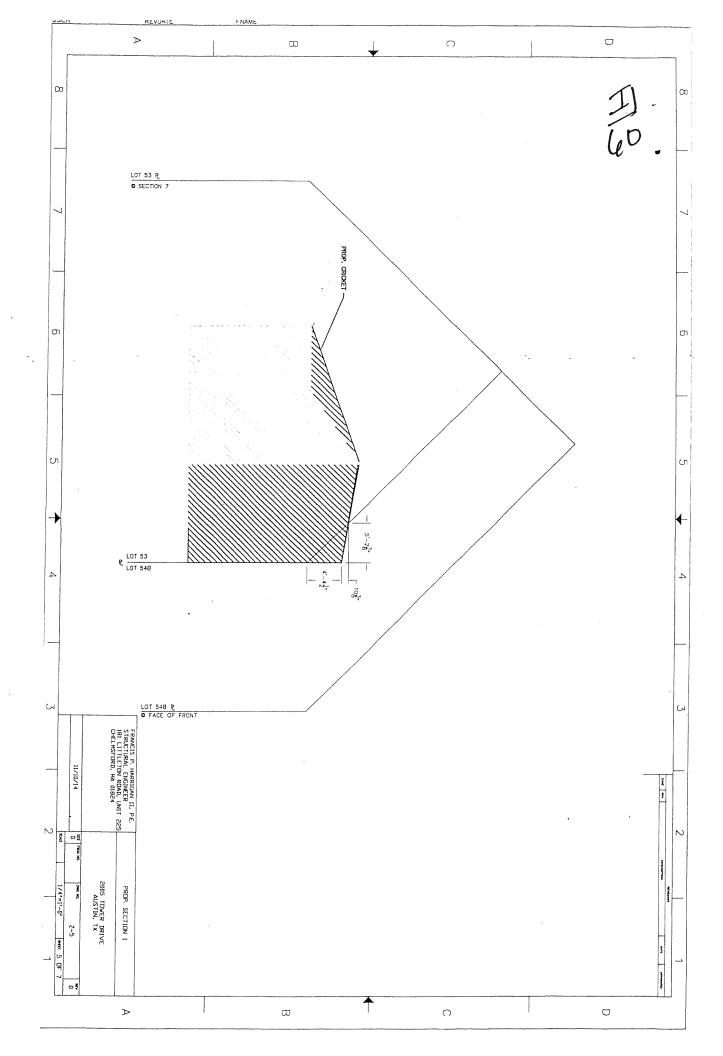


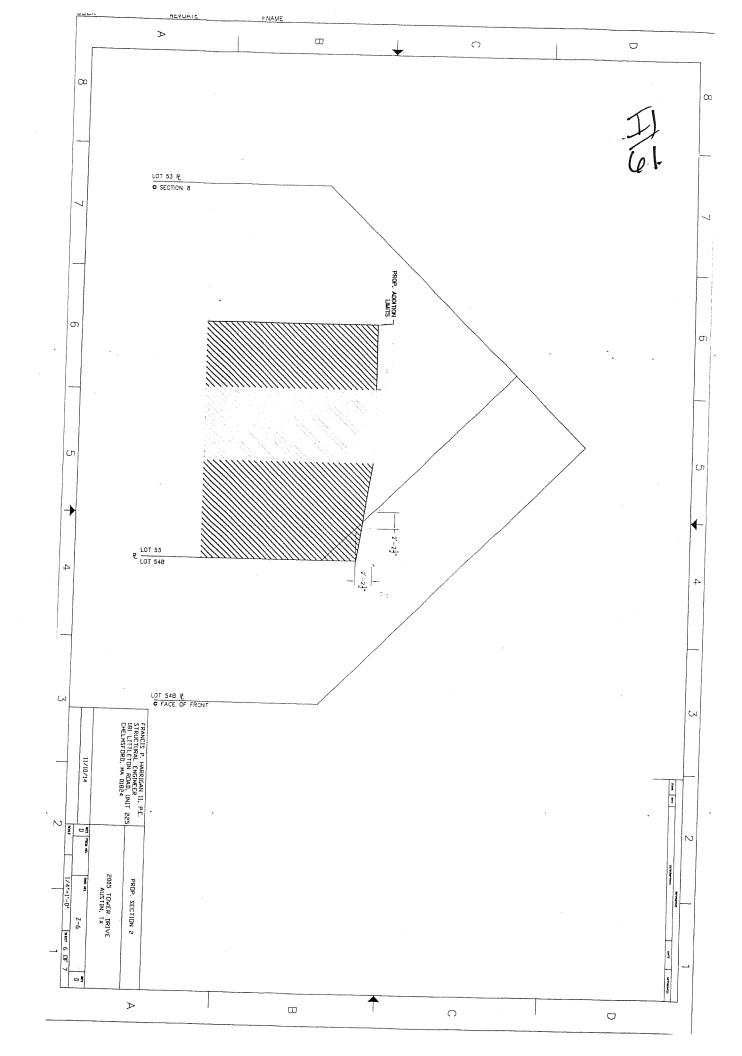


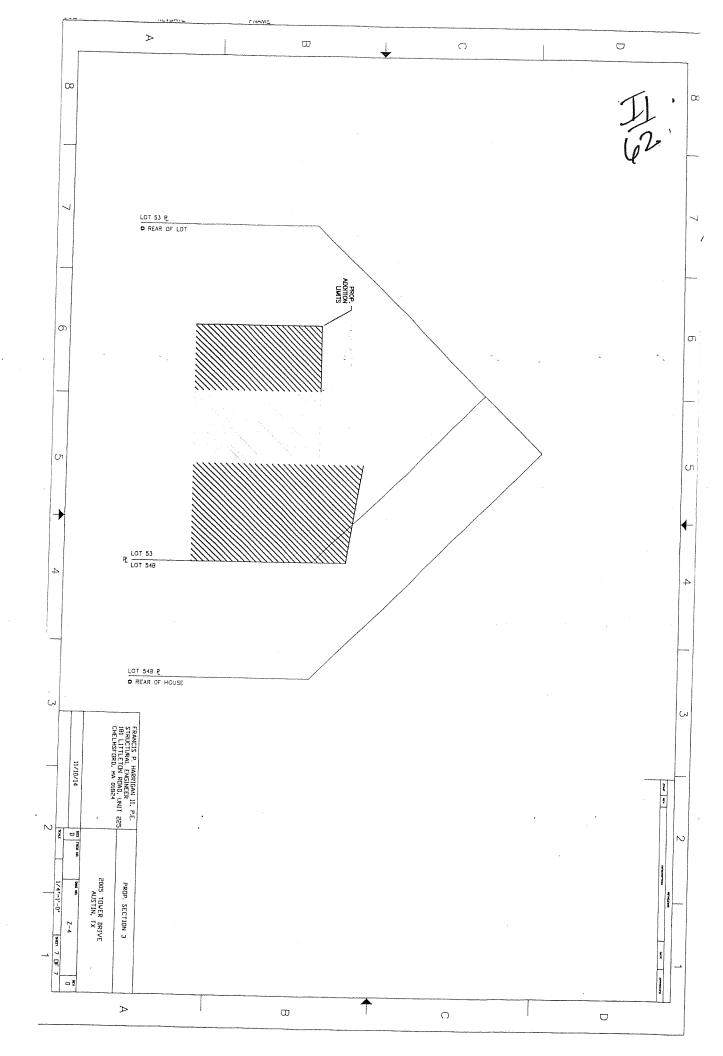


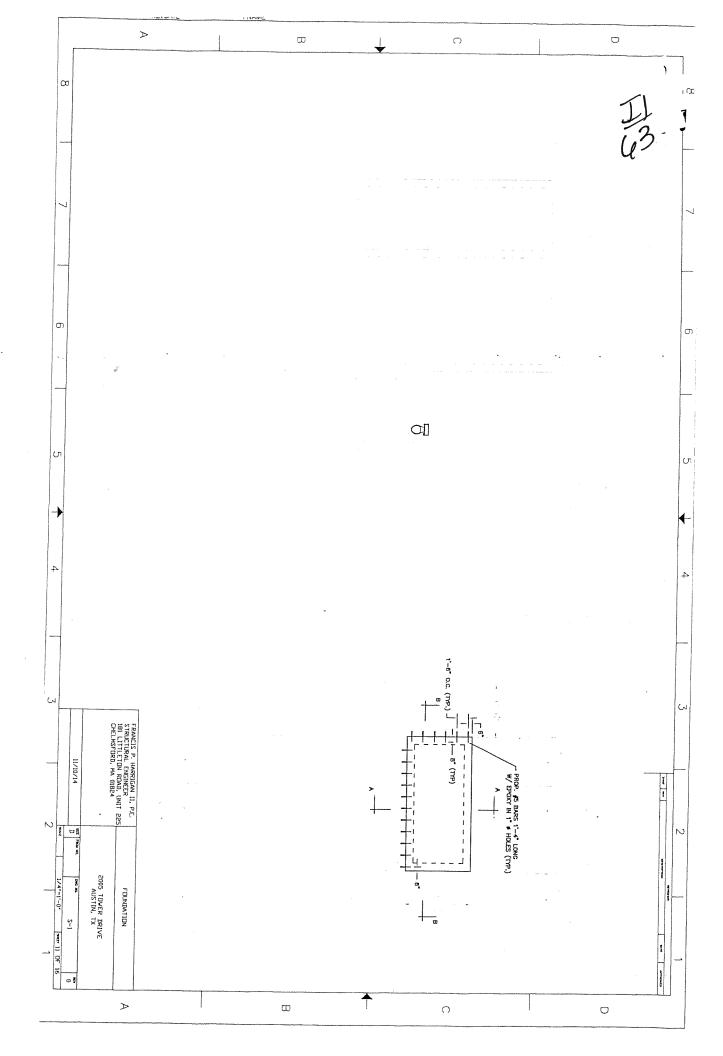


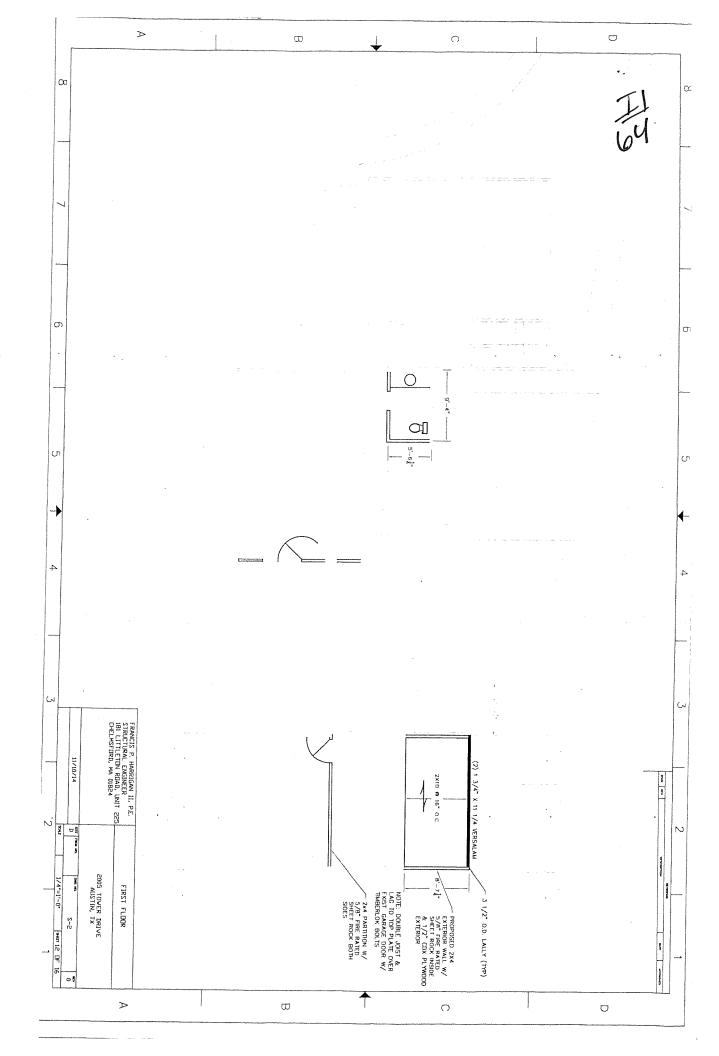


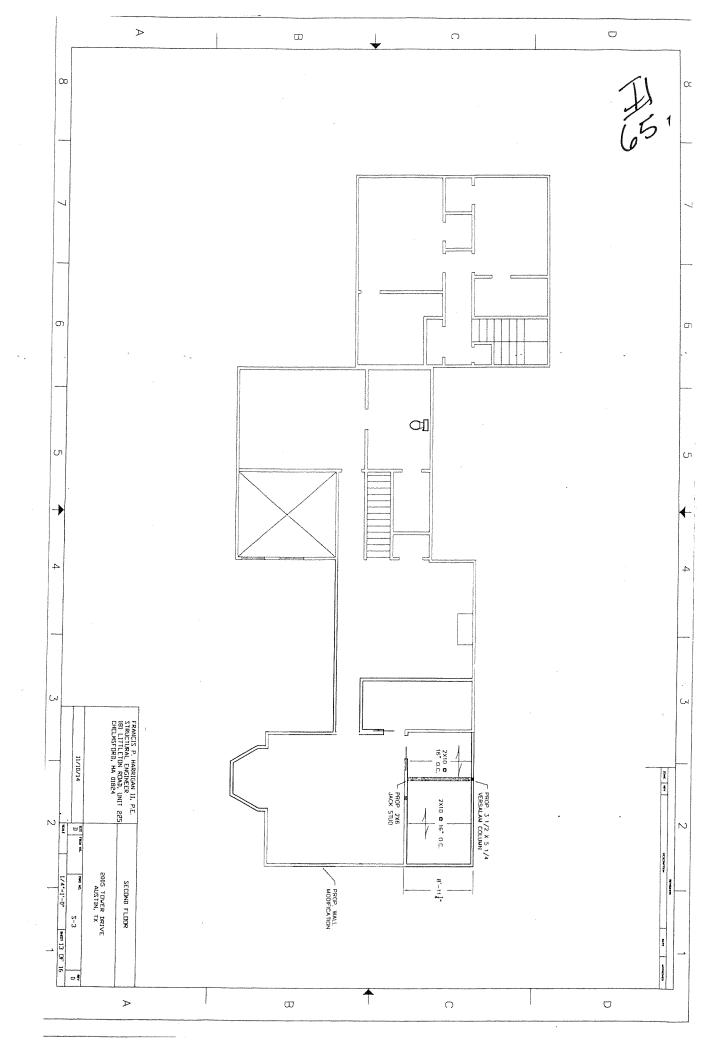


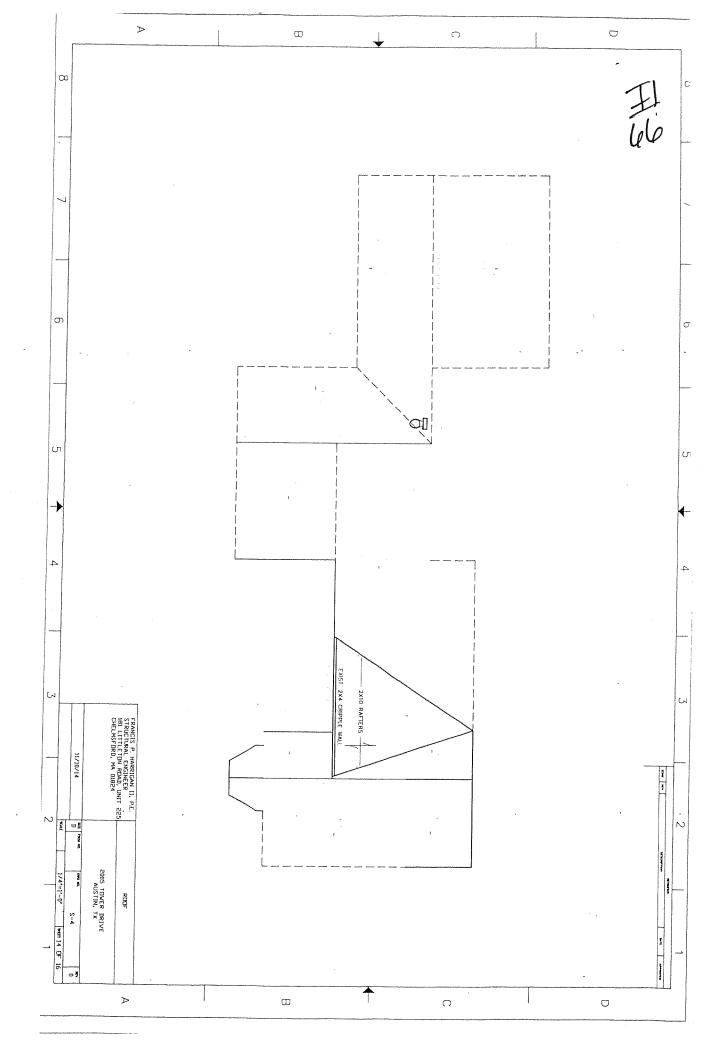


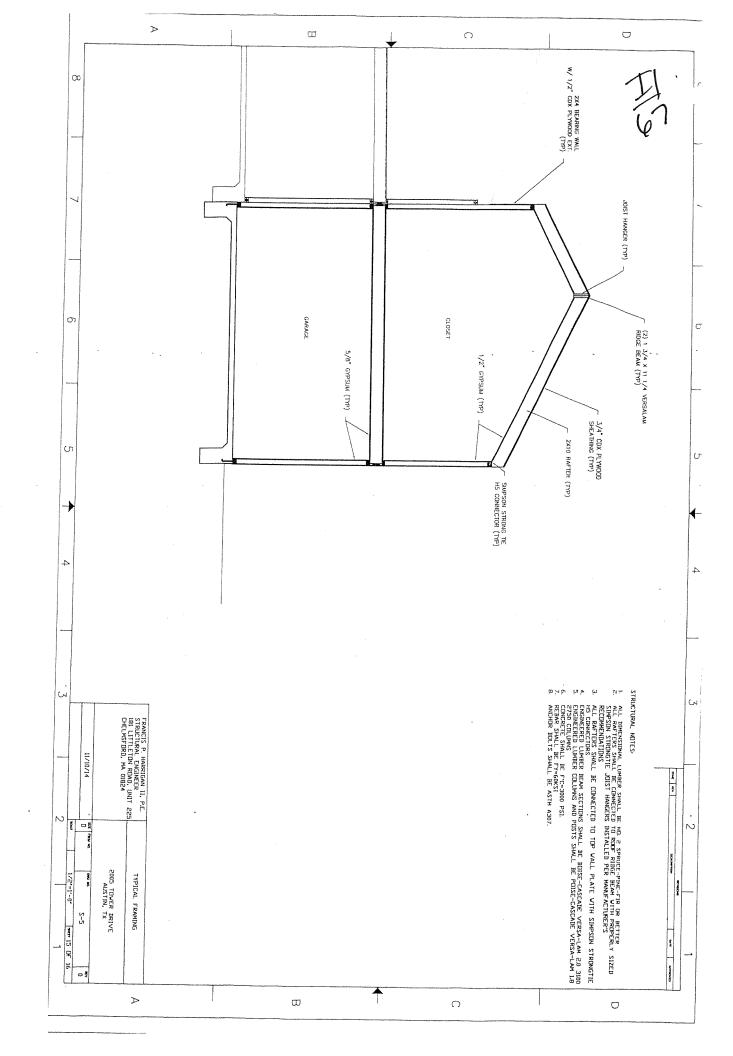


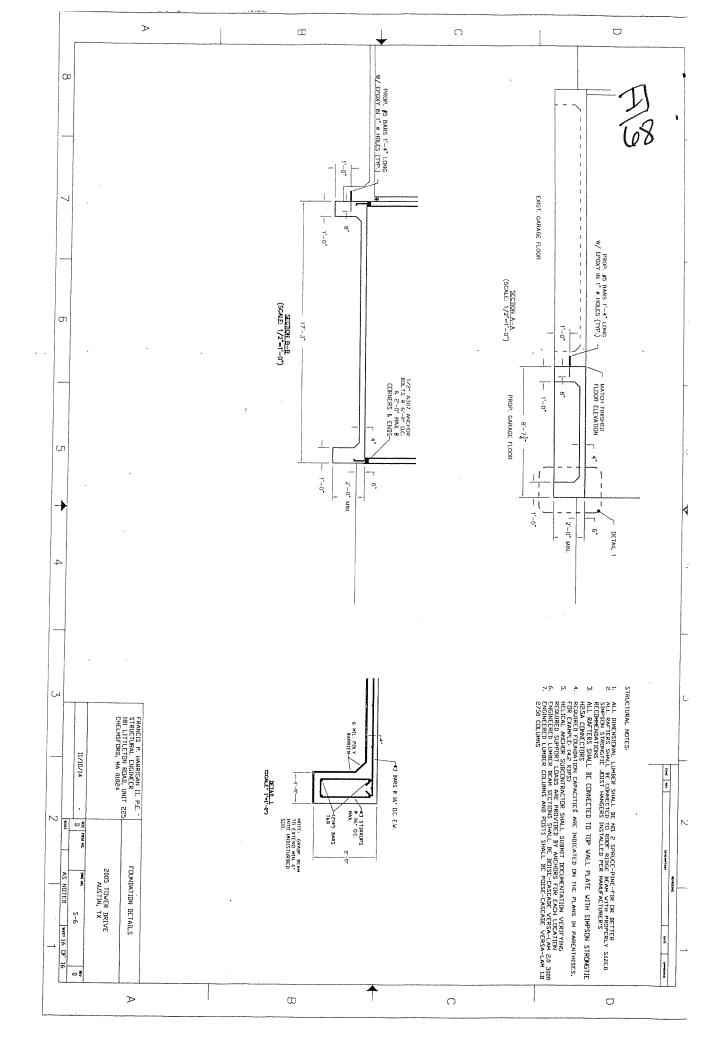












## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
  - appearing and speaking for the record at the public hearing;
- occupies a primary residence that is within 500 feet of the subject property or proposed development;

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is the record owner of property within 500 feet of the subject property or proposed development; or
is an officer of an environmental or neighborhood organization that

has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible

department no later than 10 days after the decision. An appeal form may

be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

board or commission, or Council; the scheduled date of the public hearing; the Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the ☐ I am in favor Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov Case Number; and the contact person listed on the notice. All comments Public Hearing: Board of Adjustment, November 9th, 2015 ✓ I object Comments: Obstak to papawing Cover Martina Case Number: C15-2015-0116, 2005 Tower Drive received will become part of the public record of this case. Any to strack was and 512-514-4023 Your address(es) affected by this application Signature 2508 WINSED Law Ceann Brater Your Name (please print) Brand Butes Daytime Telephone:

Note: all comments received will become part of the public record of this case.

If you use this form to comment, it may be returned to: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leane.heldenfels@austintexas.gov

